



**PRESENT:**

Mr. Daniel A. Gecker, Chairman  
Mr. Russell J. Gulley, Vice Chairman  
Mr. Jack R. Wilson, III  
Mr. Sherman W. Litton  
Mr. F. Wayne Bass  
Mr. Kirkland A. Turner, Secretary to the Commission,  
Planning Director

**ALSO PRESENT:**

Mr. M. D. "Pete" Stith, Jr., Deputy County Administrator  
for Community Development  
Mr. Glenn E. Larson, Assistant Director, Advance Planning  
and Research and Information Section, Planning Department  
Mr. Michael E. Tompkins, Assistant Director,  
Development Review Section, Planning Department  
Ms. Beverly F. Rogers, Assistant Director, Zoning and  
Special Projects Section, Planning Department  
Mr. Robert V. Clay, Planning and Special Projects Manager,  
Zoning and Special Projects Section, Planning Department  
Ms. Jane Peterson, Planning and Special Projects Manager,  
Zoning and Special Projects Section, Planning Department  
Ms. Darla W. Orr, Planning and Special Projects Manager,  
Zoning and Special Projects Section, Planning Department  
Ms. Teresa C. Davis, Planning and Special Projects Coordinator,  
Zoning and Special Projects Section, Planning Department  
Mr. Carl D. Schlaudt, Planning Administrator,  
Development Review Section, Planning Department  
Mr. Gregory E. Allen, Planning Administrator,  
Development Review Section, Planning Department  
Mr. Jeffrey H. Lamson, Senior Planner, Development  
Review Section, Planning Department  
Mr. Alan G. Coker, Senior Planner, Development  
Review Section, Planning Department  
Mr. Joseph E. Feest, Planning Administrator, Development  
Review Section, Planning Department

Ms. Amy Somervell, Senior Planner, Development  
Review Section, Planning Department  
Ms. Barbara L. Fassett, Planning Administrator, Advance Planning  
and Research Section, Planning Department  
Mr. James K. Bowling, Principal Planner, Advance Planning  
and Research Section, Planning Department  
Ms. Linda N. Lewis, Administrative Assistant, Administration  
Section, Planning Department  
Ms. Deanna D. Atkins, Administrative Secretary,  
Administrative Section, Planning Department  
Ms. Michelle L. Martin, Secretary, Administrative Section,  
Planning Department  
Mr. David W. Robinson, Assistant County Attorney,  
County Attorney's Office  
Ms. Tara McGee, Assistant County Attorney,  
County Attorney's Office  
Mr. Allan M. Carmody, Director,  
Budget and Management Department  
Mr. R. John McCracken, Director,  
Transportation Department  
Mr. Stan B. Newcomb, Principal Engineer,  
Transportation Department  
Mr. Steven E. Simonson, Senior Engineer,  
Transportation Department  
Mr. Jesse Smith, Senior Engineer,  
Transportation Department  
Mr. Steven Adams, Senior Engineer,  
Transportation Department  
Mr. Richard M. McElfish, Director,  
Environmental Engineering Department  
Mr. Scott Flanigan, Water Quality Manager,  
Environmental Engineering Department  
Mr. Randolph Phelps, Senior Engineer,  
Utilities Department  
Lieutenant Frank X. Nause, III,  
Fire Marshal #4, Fire Department  
Mr. Michael S. Golden, Director,  
Parks and Recreation Department  
Dr. Mike Etienne, Communications Specialist,  
Planning Department, School Administration

### **ASSEMBLY AND WORK SESSION**

Messrs. Gecker, Gulley, Wilson, Litton, Bass and staff assembled at 12:00 p. m. in the Multipurpose Meeting Room (1<sup>st</sup> Floor) of the Chesterfield County Community Development Building, 9800 Government Center Parkway, Chesterfield, VA, for lunch and a work session to discuss the following:

- I. Requests to **Postpone Action, Emergency Additions, Changes** in the **Order of Presentation** and **Dinner Location Selection**.

- II. Review **Upcoming Agendas**. (Any rezonings or conditional uses scheduled for future meetings.)
- III. Review **Day's Agenda**. (Any items listed for the 3:00 p.m. and 7:00 p.m. Sessions.)
- IV. **Work Program – Review and Update.** 📄
- V. **Proposed Code Amendment** relative to **Neo-Traditional Zoning.** 📄
- VI. **Proposed Code Amendment** relative to **Residential (R-5) Zoning.** 📄
- VII. **Status Report-*Swift Creek Reservoir Master Plan and Maintenance Program.***
- VIII. **2007 General Assembly Session Legislative Amendments Discussion.** 📄
- IX. ***Impact Fee Road Improvement Plan, Comprehensive Plan Amendment* and **Impact Fee Ordinance.**** 📄
- X. **Proposed Code Amendment** relating to the **Operation of Motorcycles, ATVs and Go-Carts on Agricultural and Residential Property.** 📄
- XI. **Proposed *Northern Courthouse Road Community Plan.*** 📄
- XII. **Recess.**

I. **REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION AND DINNER LOCATION SELECTION.**

◆ **REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.**

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission amended the agenda to add a new Item XIII., Memo regarding Motions to Approve/Disapprove Cases and a new Item XIV., Discussion to Consider Rescheduling Planning Commission Evening Session Meeting Start Time and reordered the agenda accordingly.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

◆ **DINNER LOCATION SELECTION.**

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to meet for dinner at Riptides Seafood Restaurant at 5:00 p. m.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

II. **REVIEW UPCOMING AGENDAS.**

Ms. Rogers apprised the Commission of the caseload agenda for the upcoming months of September and October 2007.

III. **REVIEW DAY'S AGENDA.**

Mr. Tompkins presented an overview of, and staff's recommendations for, requests to be considered at the 3:00 p. m. Public Meeting.

Ms. Rogers presented an overview of, and staff's recommendations for, requests and a proposed Code Amendment relating to Substantial Accord Determinations to be considered at the 7:00p. m. Public Meeting and Hearing.

Mr. Larson presented an overview of, and staff's recommendations for, a proposed Code Amendment relating to subdivision fees to be considered at the 7:00p. m. Public Meeting and Hearing.

#### **IV. WORK PROGRAM.**

There being no additions, deletions or revisions to the Commission's Work Program, the Commission reviewed and accepted the September 2007 Work Program, as presented.

#### **V. PROPOSED CODE AMENDMENT RELATIVE TO NEO-TRADITIONAL ZONING.**

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission deferred consideration of the proposed Code Amendment relative to Neo-Traditional Zoning to the September 18, 2007, Planning Commission Work Session.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

#### **VI. PROPOSED CODE AMENDMENT RELATIVE TO RESIDENTIAL (R-5) ZONING.**

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission deferred consideration of the proposed Code Amendment relative to Residential (R-5) Zoning to the September 18, 2007, Planning Commission Work Session.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

#### **VII. STATUS REPORT-SWIFT CREEK RESERVOIR MASTER PLAN AND MAINTENANCE PROGRAM.**

Messrs. McElfish and Flanigan updated the Commission as to the status of the *Swift Creek Reservoir Master Plan and Maintenance Program*.

#### **VIII. 2007 GENERAL ASSEMBLY SESSION LEGISLATIVE AMENDMENTS DISCUSSION.**

##### **◆ CODE AMENDMENT RELATIVE TO PENALTIES FOR VIOLATION OF THE ORDINANCES REGARDING THE NUMBER OF UNRELATED PERSONS IN SINGLE FAMILY DWELLINGS.**

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission set the date of, and requested staff take the necessary steps to advertise, September 18, 2007, at 7:00 p. m., in the Public Meeting Room of the Chesterfield Administration Building, for a public hearing to consider an Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Section 19-5 relating to penalties for violation of the Ordinances regarding the number of unrelated persons in single family dwellings.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**IX. IMPACT FEE ROAD IMPROVEMENT PLAN, COMPREHENSIVE PLAN AMENDMENT AND IMPACT FEE ORDINANCE.**

Mr. Jeff Mincks, Deputy County Attorney, presented an overview of a 2007 General Assembly legislative amendment pertaining to road needs and impact fees, including information relative to typical road construction costs; Chesterfield County Secondary Road allocations and Interstate/Primary allocations; total un-built cash proffer lots; total un-built impact fee lots; the road cash proffer component for 1990-2006; the cumulative promised/collected cash proffer for 1989-2007; requirements of the 2007 Impact Fee Legislation; and other elements of the proposal.

There was discussion relative to no material being provided to the Commission outlining the proposed *Impact Fee Road Improvement Plan*, Comprehensive Plan amendment and/or Impact Fee Ordinance; additional review time and information being needed prior to scheduling a public hearing; conveying to the Board of Supervisors the Commission's request that the deadline be extended through October 2007 to allow additional review time and to conduct a public hearing; the ramifications of not conducting a public hearing in September 2007; notification of only those landowners legally required to be notified and/or notification of all affected landowners; and other issues of concern.

In response to concerns expressed by the Commission, Ms. McGee indicated she would inquire as to what the legal ramifications may or may not be regarding the concerns expressed by the Commission and provide the information as soon as possible.

**X. PROPOSED CODE AMENDMENT RELATING TO THE OPERATION OF MOTORCYCLES, ATVS AND GO-CARTS ON AGRICULTURAL AND RESIDENTIAL PROPERTY.**

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission set the date of, and requested staff take the necessary steps to advertise, September 18, 2007, at 7:00 p. m., in the Public Meeting Room of the Chesterfield Administration Building, for a public hearing to consider an Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Sections 19-65 and 19-124 relating to the operation of motorcycles, ATVs and go-carts on Agricultural and residential property.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**XI. PROPOSED NORTHERN COURTHOUSE ROAD COMMUNITY PLAN.**

Mr. Steve Simonson advised the Commission that an updated Courthouse Road Corridor Safety Study, related to the *Northern Courthouse Road Community Plan*, would not be available from the Virginia Department of Transportation (VDOT) until November 1, 2007.

There was discussion of the Safety Study relative to accident data/statistics; the study area encompassing the entire Courthouse Road Corridor from Midlothian Turnpike to Hull Street Road, including the intersections of Courthouse Road/Midlothian Turnpike, Courthouse Road/Hull Street Road, recommended safety improvements and land use recommendations; and other issues of concern.

Upon conclusion of the discussion, the Commission indicated they felt additional review time was needed since the Courthouse Road Corridor Safety Study would not be available from VDOT until November 1, 2007 and asked staff to convey to the Board of Supervisors the Commission's request that a time extension be granted to the Commission's December 18, 2007, meeting to allow the Commission and the public adequate time to assess the recommendations of the Courthouse Road Corridor Safety Study.

Mr. Turner recalled Item IX., *Impact Fee Road Improvement Plan*, Comprehensive Plan Amendment and Impact Fee Ordinance.

**IX. IMPACT FEE ROAD IMPROVEMENT PLAN, COMPREHENSIVE PLAN AMENDMENT AND IMPACT FEE ORDINANCE (CONTINUED).**

Ms. McGee noted that State law did not impact advertisement of the proposals and explained various options available to the Commission, including suggestions that the Commission could either request the Board of Supervisors grant an extension to allow further review of the material or the Commission could set the date of September 18, 2007, for a public hearing contingent upon the Board of Supervisors granting an extension.

Mr. Litton stated he felt all affected landowners should be notified.

Mr. Bass stated he was uncomfortable with the fact that no material had been provided to the Commission for review of the proposed *Impact Fee Road Improvement Plan*, Comprehensive Plan amendment and Impact Fee Ordinance; that he felt all affected landowners should be notified; and that he did not support scheduling a public hearing on September 18, 2007.

Mr. Gulley stated he favored notice of all affected landowners but was uncomfortable with voting to schedule a public hearing in this manner.

Mr. Gecker stated he felt it appropriate to request the Board grant a sixty (60) day extension to allow receipt/review of the material and to set the public hearing.

On motion of Mr. Gecker, seconded by Mr. Bass, the Commission directed staff to convey the Commission's request to the Board of Supervisors to grant a sixty (60) day extension relative to the proposed *Impact Fee Road Improvement Plan*, Comprehensive Plan amendment and Impact Fee Ordinance to allow additional review time by the Commission and for the Commission to conduct a public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission scheduled discussion of the proposed *Impact Fee Road Improvement Plan*, Comprehensive Plan amendment and Impact Fee Ordinance at the September 18, 2007, Planning Commission Work Session; and asked that staff provide the necessary materials to the Commission for review prior to the September meeting.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**XII. MEMO REGARDING MOTIONS TO APPROVE/DISAPPROVE CASES.**

Ms. McGee provided information to the Commission relative to motions to approve/disapprove zoning requests, noting that, other than connectivity waivers, all other aspects of a request, whether all inclusive or separated into individual recommendations, should be included in the same motion.

**XIII. DISCUSSION TO CONSIDER RESCHEDULING PLANNING COMMISSION EVENING SESSION MEETING START TIME.**

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission set the start time for the September - December 2007 Evening Meeting/Public Hearings at 6:00 p. m. to consider withdrawals, deferrals and consent items, with consideration of Code and/or Plan Amendments and contested zoning and conditional use items to begin at 7:00 p. m.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**XIV. RECESS.**

There being no further business to discuss, the Commission recessed at 2:50 p. m., agreeing to reconvene in the Multipurpose Room at 3:00 p. m. for the public meeting.

**3:00 P. M. PUBLIC MEETING**

Mr. Gecker, Chairman, called the meeting to order at 3:00 p. m. in the Multipurpose Meeting Room of the Chesterfield County Community Development Customer Service Building.

**I. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.**

There were no requests to postpone action, emergency additions or changes in the order of presentation.

**II. REVIEW MEETING PROCEDURES.**

Mr. Turner reviewed the meeting procedures for consideration of site plans, architectural plans, landscape plans, tentative subdivision approvals and development standards waivers.

**III. APPROVAL OF PLANNING COMMISSION MINUTES.**

Mr. Turner stated that the first order of business would be the consideration of the June 19, July 12, July 17 and July 19, 2007, Planning Commission minutes.

**♦ JUNE 19, 2007 PANNING COMMISSION MEETING MINUTES. (DEFERRED FROM JULY 17, 2007, PLANNING COMMISSION MEETING.)**

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission resolved to approve the June 19, 2007, Planning Commission minutes, as written.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**♦ JULY 12, 2007 PLANNING COMMISSION/CITIZENS' MEETING MINUTES.**

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to approve the July 12, 2007, Planning Commission minutes, as written.

AYES: Messrs. Gecker, Gulley and Bass.  
ABSTENTIONS: Messrs. Wilson and Litton.

◆ **JULY 17, 2007 PLANNING COMMISSION MEETING MINUTES.**

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to approve the July 17, 2007, Planning Commission minutes, as written.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

◆ **JULY 19, 2007 PLANNING COMMISSION MEETING MINUTES.**

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to approve the July 19, 2007, Planning Commission minutes, as written.

AYES: Messrs. Gecker, Gulley, Wilson and Bass.  
ABSTENTION: Mr. Litton.

**IV. CONSIDERATION OF THE FOLLOWING REQUESTS:**  
◆ **DEFERRAL REQUEST BY APPLICANT.**

**07PW0406:** In Midlothian Magisterial District, **CHESTERFIELD COUNTY PARKS AND RECREATION** requested deferral to October 16, 2007, for consideration of Planning Commission approval of a waiver of development standards to the Zoning Ordinance requirement that illumination at the property line adjacent to Agricultural (A), Residential Townhouse (R-TH) and Residential Multi-Family (R-MF) Districts be limited to five-tenths (0.5) foot candle. This project is commonly known as **MIDLOTHIAN MIDDLE SCHOOL RECREATION SITE IMPROVEMENTS**. This request lies in Agricultural (A), Residential (R-7) and Community Business (C-3) Districts on a 28 acre parcel fronting approximately 775 feet on the south line of Midlothian Turnpike. Tax ID 729-707-6714 (Sheets 5 & 6).

Mr. Mike Golden, the applicant's representative, requested deferral of Case 07PW0406 to the October 16, 2007, Planning Commission meeting.

No one came forward to speak in favor of, or in opposition to, the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved to defer Case 07PW0406, Chesterfield County Parks and Recreation (Midlothian Middle School Recreation Site Improvements) to the October 16, 2007, Planning Commission public meeting.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

◆ **CASES WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT.**

**07PR0361:** In Dale Magisterial District, **JHM, LLC** requested a variable reduction to a 100 foot buffer in conjunction with site plan approval. The maximum reduction requested is eighty (80) feet to a 100 foot buffer with a six (6) foot high solid board fence and 1.5 times Perimeter Landscape "C". This project is



commonly known as **JHM, LLC**. This request lies in a General Business (C-5) District on a 5.31 acre parcel fronting approximately 450 feet on the west line of Iron Bridge Road, also fronting approximately 140 feet on Canasta Drive and located in the northwest quadrant of the intersection of these roads. Tax IDs 773-680-6620, 7615, 8039 and 8757 (Sheet 17).

Mr. Jeff Collins, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission resolved that approval of a variable reduction to a 100 foot buffer in conjunction with site plan approval for Case 07PR0361, JHM, LLC (JHM, LLC), shall be and it thereby was granted, subject to the following conditions:

#### CONDITION

Revised plans shall be submitted for staff review that address the following staff review comments:

#### STAFF REVIEW COMMENTS:

1. Prior comments 1, 2, 4, 8, and 9 were not addressed on the second submittal but are acceptable on the revised sheets provided to Fire. (F)
2. Clarification of prior Comment #10: Show the fire flow needed for the proposed maintenance shop. (F)
3. The proposed waterline layout sets up a parallel waterline situation which the Utilities Department does not allow. Show the proposed fire hydrant near the entrance on Canasta Drive tapping the 16" waterline in Canasta Drive with a 16x6 tapping sleeve and valve. This will delete about 300' of 8" waterline. (U)
4. A new flow test needs to be requested for the waterline extension shown. Show on the plans the new flow test, node map and results table according to Detail DES-5. (U)
5. Show the existing 16" waterline, existing 8" sewer line and proposed 8" waterline on the storm sewer profiles. (U)
6. Show an 8x6 reducer on the 8" waterline serving the fire hydrant west of the existing garage and office. (U)
7. Revise the Phase I line so that it includes the proposed fire hydrant west of the existing garage and office. (U)
8. Submit an Engineer's Checklist. (U)
9. Label the waterline in Canasta as "Existing 16" AC waterline, County Project Number C-643". (U)

10. Coordinate points based on the Virginia State Plane Coordinate System, South Zone, North American Datum 1983 are incorrect. The location of the points is acceptable, however the values shown are incorrect. (GIS)
11. It is the responsibility of the applicant to comply with and/or acquire all applicable federal and/or state permits in relationship to environmental features including but not limited to "wetlands, surface waters (e.g. VPDES permit for construction sites of 1 acre or more, ground water and air quality)" final approval of these plans will not relieve you of your responsibility. Wetlands documentation must be received by this department prior to issuance of the land disturbance permit. (EE)
12. It is the responsibility of the owner to provide one additional set of plans to the Environmental Engineering Department and obtain an "approved for construction" stamp on two additional sets for the owner to keep on site. (EE)
13. All onsite drainage easements including stormwater/B.M.P. drainage easements must be recorded prior to issuance of a building permit for this project. (EE)
14. Prior to issuance of a land disturbance permit, a diskette/CD, the format of which shall be Autocad.dwg or dxf, must be submitted to Virginia Barbour of Environmental Engineering. The diskette/CD must contain the following, each in a separate layer:
  - a. Final grading contour lines (5' intervals);
  - b. Proposed building footprint;
  - c. All impervious area (parking lots, driveways, roads, etc); and
  - d. The storm sewer system.

A layer report printed from AutoCAD must be submitted with the diskette/CD. Both the diskette/CD and the report must be labeled with the site plan name, site plan number, and the engineering firm. All AutoCAD files must be referenced directly to the Virginia State Plane Coordinate System, South Zone, in the NAD83 Datum. (EE)
15. A land disturbance permit is required for this project and the following are required prior to its issuance:
  - a. Substantial or full site plan approval
  - b. A VDOT land use permit
  - c. A letter must be received from a qualified wetlands expert stating:
    1. there are no wetlands impacted on this project, or
    2. all applicable federal and state wetland permits have been acquired (copies of the permits must be submitted).
  - d. Copies of the Virginia Stormwater Management Permit (VSMP) registration statement and permit fee form (as developed by the Department of Conservation and Recreation) must be submitted (sites of one acre or more) (EE)
16. Location of street address sign is not shown. (The address can be part of your monument sign. This does not count as part of the square footage of the sign. If you are using the

monument sign for the address, a detail of the monument sign needs to be on the site plan.) (HN)

17. If the site is on a through or corner lot and the street address sign will be visible from more than one road, the street name should be included in the sign. (HN)
18. Specify the material that the address sign is to be made of. (Material to be more durable than wood) (HN)
19. Put a revision date on the resubmitted plans. Resubmit 10 full sets and one copy of the site plan sheet to the Planning Department for your next review. Use the spaces below each comment to describe how you have addressed each review comment. Be sure to indicate which sheets show the required changes. Provide a transmittal letter to describe any changes to the plans not caused by the staff review comments. (P)
20. Update the county project number and the county site plan number on the landscape sheets for the site plan. (P)
21. Per previous Comment 6, show the required buffer along the property line with 773-680-5758. (P)
22. Provide clarification to the light fixture cutsheets by clearly indicating the product selections. As an example the Alaire series offers both a flat lens and a convex lens. The information provided does not indicate the choice. (The convex lens does not meet zoning ordinance requirements). Circle or otherwise indicate the ordering information on the cutsheets. Provide information about the pole and mounting height. (P)
23. Building elevations have been provided for the office building with no staff comments. Also provide elevations for the maintenance building. See previous Comment 14 for additional information. (P)
24. The adjacent parcel 774-680-1836 to the north is not shown on the plans. Per previous Comment 19, show the owner, GPIN and current zoning for all adjacent parcels. Including this parcel will also revise the configuration of parcel 774-680-0947, which as shown does not match county GIS information. (P)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**07PR0264:** In Midlothian Magisterial District, **KATHERMAN & COMPANY** requested approval of architectural elevations for the proposed buildings shown on the site plan of companion Case 07PR0138. This project is commonly known as **RAILEY HILL OFFICE PARK (ARCHITECTURE)**. This request lies in Corporate Office (O-2), Neighborhood Business (C-2) and Community Business (C-3) Districts on an 8.6 acre parcel fronting approximately 190 feet on the east line of North Woolridge Road, also fronting approximately 150 feet on Browns Way Road, also fronting approximately 425 feet on Walton Park Lane. Tax IDs 732-706-7292 and 732-707-3219 and Part of 9933 (Sheet 6).

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

Mr. Gecker opened the discussion for public comment.

Ms. Amy Satterfield, Executive Director of the Village of Midlothian Volunteer Coalition, voiced support for the request but expressed concern that the porch overhang elevations were not historically in keeping with the "Railey Hill" structure.

Ms. Ann-Marie Strack, a resident of Queensgate Road, expressed concerns that the historical integrity of the area be maintained and retained.

There being no one else to speak, Mr. Gecker closed the public comment.

Mr. Scherzer indicated he was not aware of Ms. Satterfield's concerns and indicated the applicant preferred to retain the architecture as designed. He stated the applicant was sensitive to the citizens' concerns and had worked diligently and extensively to maintain/retain the area's historic integrity.

On motion of Mr. Gecker, seconded by Mr. Bass, the Commission resolved that approval of the architectural elevations for the proposed buildings shown on the site plan (companion Case 07PR0138) for Case 07PR0264, Katherman & Company (Railey Hill Office Park (Architecture)), shall be and it thereby was granted, subject to the following condition:

CONDITION:

Elevations for the other buildings proposed around the Railey Hill structure shall be submitted to the Planning Department for approval prior to the release of the building permit for each building. Each building shall reflect the style and level of detailing that is shown on the prototype building, yet shall have sufficient variation in detailing, color of materials, and building shape so as not to replicate the prototype building.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**07PR0419:** In Clover Hill Magisterial District, **KIDS R KIDS INT'L** requested Planning Commission approval of the landscape plan for the buffer adjacent to Clover Hill High School and approval of architecture. This project is commonly known as **KIDS R KIDS**. This request lies in Office (O-2) and Neighborhood Business (C-2) Districts on a 22.2 acre parcel lying approximately 575 feet off the north line of Hull Street Road at Temie Lee Parkway. Tax ID 724-672-Part of 9387 (Sheet 15).

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

In response to questions from Mr. Gulley, Mr. Scherzer addressed concerns relative to architecture, noting there were time constraints with which the applicant must comply.

Mr. Allen explained that the pitched roof covered the entire building; that the building was closer to future residential homes which would assist with the visual transition from metal commercial roofs along Route 360 to asphalt shingled roofs in the subdivision; and that staff could support the proposal with the use of dimensional composition shingles.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission resolved that approval of the landscape plan for the buffer adjacent to Clover Hill High School and approval of architecture for Case 07PR0419, Kids R Kids Int'l (Kids R Kids), shall be and it thereby was granted.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**07TS0163:** In Midlothian and Matoaca Magisterial Districts, **ANDREW GIBB** requested tentative subdivision approval of 125 single family lots. This development is commonly known as **QUEENS GATE**. This request lies in Residential (R-7 and R-15) and Corporate Office (O-2) Districts on a 79.21 acre parcel fronting approximately 2,500 feet on the south line of Coalfield Road, also fronting approximately 2,500 feet on the north line of Lucks Lane. Tax IDs 727-698-7803; 728-697-2424; 729-696-0058; and 731-696-2505 (Sheets 9 and 10).

Mr. Andrew Gibb, the applicant, accepted staff's recommendation, including the conditions and review notes, as outlined in the "Request Analysis."

Mr. Gecker stated he planned to defer Case 07TS0163, on his own motion, to address concerns relative to the applicant's proposal to reduce the 200 foot setback to 150 foot and construct a fifteen (15) foot high berm for noise attenuation within the limits of the proposed development and adjacent to Route 288 mainline right-of-way.

Mr. Gecker opened the discussion for public comment.

Ms. Ann Marie Strack, representing the Queensgate Subdivision Civic Association, expressed concerns relative to the removal of natural vegetation to install berms and noise pollution and stated that she did not feel all the relevant issues had been addressed.

Mr. Bob Whirley, a resident of Queensgate Subdivision, expressed concerns relative to, and suggested alternative discussions should be conducted for, access to Coalfield Road.

Mr. Bill Johns, an adjacent property owner and engineer for the proposal, stated he felt the subject proposal was the most appropriate alternative for the property; addressed issues relative to re-opening access to Route 288, noise pollution and sound barriers; and asked the request be moved forward.

There being no one else to speak, Mr. Gecker closed the public comment.

The following motion was made at Mr. Gecker's request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission, on their own motion, resolved to defer Case 07TS0163, Andrew Gibb (Queensgate) to the September 18, 2007, Planning Commission public meeting.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**07TW0376:** In Dale Magisterial District, **DAVID R. JENKINS** requested development standards waiver to section 19-510 (a) (1) of the Zoning Ordinance to park a boat and trailer outside of the required rear yard. This project is commonly known as **MASON WOODS SUBDIVISION**. This request lies in a Residential (R-7) District on a 0.21 acre parcel fronting approximately 78 feet on the west line of Mason Woods Drive. Tax ID 778-678-8217 (Sheet 18).

Mr. David Jenkins, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission found Case 07TW0376, David R. Jenkins (Mason Woods Subdivision), substantially complied with the five (5) factors of Section 19-19 of the County Code and resolved to recommend approval of a development standards waiver to Section 19-510 (a) (1) of the Zoning Ordinance to park a boat and trailer outside of the required rear yard, subject to the following conditions:

#### CONDITIONS

1. The boat and trailer shall be parked in the side yard adjacent to the dwelling at all times except during loading and unloading activities.
2. This Development Standards Waiver shall be granted exclusively to David R. Jenkins, and not transferable with the land.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

#### ◆ **CASES WHERE THE APPLICANT DID NOT ACCEPT THE RECOMMENDATION AND/OR THERE WAS PUBLIC OPPOSITION OR CONCERN.**

**04PR0391:** In Midlothian Magisterial District, **SMITH PACKETT MED-COM, INC.** requested Planning Commission approval of an adjustment to a site plan previously approved through administrative review. This project is commonly known as **THE CROSSINGS AT BON AIR**. This request lies in Residential (R-7) and Community Business (C-3) Districts on a 17.6 acre parcel fronting approximately 600 feet on the north line of Midlothian Turnpike also fronting approximately 400 feet on North Pinetta Drive. Tax IDs 753-706-7209 and 9512, 754-705-0490 and 5275, 754-706-1128 and 3718 (Sheets 6 & 7).

Mr. William Shewmake, the applicant's representative, requested deferral of Case 04PR0391 to the September 18, 2007, Planning Commission public meeting.

No one came forward to speak in favor of, or in opposition to, the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved to defer Case 04PR0391, Smith Packet Med-Com, Inc. (The Crossings at Bon Air), to the September 18, 2007, Planning Commission public meeting.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

#### **V. RECESS.**

There being no further business to come before the Commission, the Commission agreed to recess the Afternoon Public Meeting at approximately 3:31 p. m., agreeing to meet at Riptides Seafood Restaurant at 5:00 p. m. for dinner.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

During dinner, there was discussion pertaining to various rezoning and Conditional Use request sites.

### **6:00 P. M. PUBLIC MEETING AND HEARING**

Mr. Gecker, Chairman, called the meeting to order at 6:00 p. m. in the Public Meeting Room of the Chesterfield County Administration Building in the Government Center Complex. He stated the 6:00 p. m. portion of the meeting was scheduled to consider withdrawals, deferrals and consent cases from 6:00 p.m. to 7:00 p.m. and consideration of code and/or plan amendments and contested zoning and conditional use cases would begin at 7:00 p. m.

#### **I. INVOCATION.**

Mr. Wilson presented the invocation.

#### **II. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.**

Members of Boy Scout Troop 891 from the Bon Air United Methodist Church led the Pledge of Allegiance to the Flag.

#### **III. REVIEW AGENDAS FOR UPCOMING MONTHS.**

Mr. Turner apprised the Commission of the caseload agenda for the upcoming months, noting there were twenty-four (24) cases scheduled on the September 18, 2007, agenda and sixteen (16) cases scheduled on the October 16, 2007, Planning Commission meeting agendas.

#### **IV. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.**

There were no requests to postpone action, emergency additions or changes in the order of presentation.

#### **V. REVIEW MEETING PROCEDURES.**

Mr. Turner reviewed the meeting procedures.

#### **VI. CITIZEN COMMENT ON UNSCHEDULED MATTERS INVOLVING THE SERVICES, POLICIES AND AFFAIRS OF THE COUNTY GOVERNMENT REGARDING PLANNING OR LAND USE.**

Ms. Carrie Coyner, a County resident, addressed concerns relative to the timeframe within which cash proffer contributions for road improvements should be provided, noting she felt the developer should be allowed to hold on to cash proffer contributions rather than providing the cash proffer improvements upfront prior to the occurrence of any development. She stated she believed the policy to be a huge burden on developers, would price small developers out the market; and asked that consideration be given to re-examining the impact this policy would have on the cost of homes.

Ms. Andrea Epps, a County resident, expressed concerns relative to zoning requests being modified and not re-advertised so the affected communities and/or general public would be aware of the modifications.

Mr. Reuben Waller, a County resident, referenced the proposed Code Amendment relating to impact fees discussed during the Commission's Work Session earlier in the day; expressed concerns relative to the short turn-around time within which the Commission was expected to take action on the proposal; and asked that the events of the process be explained.

**VII. CONSIDERATION OF THE FOLLOWING REQUESTS:**

♦ **REQUESTS FOR WITHDRAWALS OR DEFERRAL BY APPLICANT, STAFF AND/OR INDIVIDUAL COMMISSIONERS.**

**07SN0333:** In Midlothian Magisterial District, **CHESTERFIELD COUNTY BOARD OF SUPERVISORS** requested deferral to September 18, 2007, for consideration of rezoning and amendment of zoning district map from Residential (R-7), Neighborhood Business (C-2), Community Business (C-3), Regional Business (C-4) and General Business (C-5) to Regional Business (C-4) with Conditional Use to permit multifamily and townhouse uses plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use. This request lies on 83 acres located in the southwest quadrant of Midlothian Turnpike and Chippenham Parkway, also fronting on the north line of Cloverleaf Drive and the northern terminus of Starview Lane. Tax IDs 764-705-3864, 6668 and 8227; 764-706-3159-00001 and 00002 and 8861-00001 and 00002; 764-707-6112-00001 and 00002; 765-704-2693; 765-705-4651, 5781, 7651 and 7962; 765-706-1010-00001 and 00002, 4170, 6964, 8068 and 8842; and 765-707-6600.

Mr. Tom Jacobson, the applicant's representative, requested deferral of Case 07SN0333 to the September 18, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved to defer Case 07SN0333 to the September 18, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**07SN0372:** In Clover Hill Magisterial District, **EWN INVESTMENTS, INC.** requested deferral to October 16, 2007, for consideration of rezoning and amendment of zoning district map from Community Business (C-3) to Community Business (C-3) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies on 7.0 acres fronting approximately 860 feet in the northwest quadrant of the intersection of Hull Street Road and Duckridge Boulevard. Tax ID 722-671-1285.

Mr. Jim Theobald, the applicant's representative, requested deferral of Case 07SN0372 to the October 16, 2007, Planning Commission public hearing.

There was no opposition to the deferral.



The following motion was made at the applicant's request.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission resolved to defer Case 07SN0372 to the October 16, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**07SN0375:** In Bermuda Magisterial District, **IRONBRIDGE CORNER, L.C.** requested deferral to September 18, 2007, for consideration of rezoning and amendment of zoning district map from Neighborhood Business (C-2) to Community Business (C-3) with Conditional Use to permit multifamily residential uses plus Conditional Use Planned Development to permit light industrial uses and exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use uses. This request lies on 23.0 acres located in the northeast quadrant of the intersection of Ironbridge Parkway and Iron Bridge Road. Tax ID 774-656-6361.

Ms. Carrie Coyner, the applicant's representative, requested deferral of Case 07SN0375 to the September 18, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to defer Case 07SN0375 to the September 18, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**05SN0310:** In Dale Magisterial District, **HILL DEVELOPMENT ASSOCIATES, LTD** requested deferral to October 16, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) with Conditional Use Planned Development to allow exceptions to Ordinance requirements. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0-2.5 dwelling units per acre. This request lies on 73.8 acres fronting in two (2) places for approximately 300 feet on the south line of Kingsland Road approximately 200 feet west of Pine Glade Lane, also fronting approximately 270 feet on the north line of Route 288 approximately 2,700 feet east of Salem Church Road. Tax IDs 780-670-6772 and 780-671-1301, 2751 and 8852.

Mr. Brennen Keene, the applicant's representative, requested deferral of Case 05SN0310 to the October 16, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission resolved to defer Case 05SN0310 to the October 16, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**07SN0134:** (Amended) In Bermuda Magisterial District, **SECOND FORTUNE, LLC** requested deferral to October 16, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3) and Corporate Office (O-2) and from Community Business (C-3) to Corporate Office (O-2), plus proffered conditions on an adjacent parcel currently zoned Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for neighborhood mixed use. This request lies on 4.1 acres fronting approximately 440 feet on the southeast line of Meadowville Road approximately 530 feet north of West Hundred Road; also fronting approximately 200 feet on the north line of East Hundred Road approximately 400 feet east of Meadowville Road. Tax IDs 814-652-5387 and 814-653-4407, 5807, 6613, 7317 and 7920.

Ms. Carrie Coyner, the applicant's representative, requested deferral of Case 07SN0134 to the October 16, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to defer Case 07SN0134 to the October 16, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**07SN0146:** (Amended) In Midlothian Magisterial District, **WINTERVEST, LLC** requested deferral to October 16, 2007, for consideration of amendment of Conditional Use Planned Development (Case 03SN0316) and amendment of zoning district map relative to uses and development requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for suburban commercial use. This request lies in a Community Business (C-3) District on 25.0 acres fronting approximately 1,420 feet on the north line of Midlothian Turnpike approximately 340 feet west of Winterfield Road; also fronting approximately 850 feet on the south line of the Norfolk Southern Railroad approximately 640 feet west of Winterfield Road. Tax IDs 724-709-2311, 2528, 4210, 5831, 6911, 9121 and Part of 7661; and 725-709-1125.

Mr. John Easter, the applicant's representative, requested deferral of Case 07SN0146 to the October 16, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Bass, the Commission resolved to defer Case 07SN0146 to the October 16, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**07SN0157:** (Amended) In Matoaca Magisterial District, **OTTERDALE VENTURE, LLC** requested deferral to September 18, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) and General Business (C-5) to Community Business (C-3) of 107 acres with Conditional

Use to permit multifamily residential use and an above-ground utility structure (water storage tank) and to Residential Townhouse (R-TH) of seventy-one (71) acres plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use and residential use of 2.0 units per acre or less. This request lies on 178.0 acres fronting approximately 1,500 feet on the north line of Hull Street Road, also fronting in two (2) places for a total of approximately 3,500 feet on the west line of Otterdale Road and located in the northwest quadrant of the intersection of these roads. Tax ID 710-670-5596.

Mr. Jim Theobald, the applicant's representative, requested deferral of Case 07SN0157 to the September 18, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to defer Case 07SN0157 to the September 18, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**07PD0248:** In Clover Hill Magisterial District, **CHESTERFIELD COUNTY PARKS AND RECREATION** requested deferral to November 20, 2007, for consideration of Substantial Accord Determination and amendment of zoning district map to permit an expansion of the proposed Providence Park site. This request lies in an Agricultural (A) District on 10.0 acres fronting approximately 1,560 feet on the south line of Powhite Parkway at the western termini of Academy Drive. Tax ID 743-693-5361.

Mr. Mike Golden, the applicant's representative, requested deferral of Case 07PD0248 to the November 20, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission resolved to defer Case 07PD0248 to the November 20, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**07SN0282:** (Amended) In Midlothian Magisterial District, **LUCAS PROPERTIES, LLC** requested deferral to October 16, 2007, for consideration of rezoning and amendment of zoning district map from Residential (R-40) to Residential (R-15). Residential use of 2.90 units per acre is permitted in a Residential (R-15) District. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 12.1 acres fronting approximately 670 feet on the southwest line of Robious Road approximately 120 feet west of Corner Rock Road, also fronting approximately 600 feet on the west line of Corner Rock Road approximately 240 feet south of Robious Road. Tax IDs 734-717-9054 and 735-717-1268, 1405 and 2943.

Mr. Andy Scherzer, the applicant's representative, requested deferral of Case 07SN0282 to the October 16, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved to defer Case 07SN0282 to the October 16, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**07SN0292:** In Bermuda Magisterial District, **EMERSON COMPANIES LLC** requested deferral to October 16, 2007, for consideration of rezoning and amendment of zoning district map from Community Business (C-3) and General Business (C-5) to Residential Townhouse (R-TH) plus proffered conditions on an adjacent six (6) acre parcel zoned Community Business (C-3) and General Business (C-5). Residential use of up to 8.0 units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for general commercial use. This request lies on 16.2 acres fronting approximately 810 feet on the west line of Jefferson Davis Highway approximately 150 feet south of Velda Road. Tax IDs 794-665-8176 and 794-666-6515.

Ms. Carrie Coyner, the applicant's representative, requested deferral of Case 07SN0292 to the October 16, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to defer Case 07SN0292 to the October 16, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**07SN0323:** In Dale Magisterial District, **RICHMOND 20 MHZ LLC** requested deferral to October 16, 2007, for consideration of Conditional Use and amendment of zoning district map to permit a communications tower in a Residential (R-7) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0-2.5 dwelling units per acre. This request lies on 1.2 acres lying approximately 230 feet off the southeastern terminus of Cotfield Road, south of Pano Road. Tax ID 781-676-Part of 7315.

Mr. Brennen Keene, the applicant's representative, requested deferral of Case 07SN0323 to the October 16, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission resolved to defer Case 07SN0323 to the October 16, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**07SN0356:** In Midlothian Magisterial District, **GOODE LAND COMPANY** requested deferral to October 16, 2007, for consideration of rezoning and amendment of zoning district map from Residential (R-7) and Community Business (C-3) to Community Business (C-3) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for village shopping district use. This request lies on 2.7 acres and is known as 13217 Midlothian Turnpike. Tax ID 731-707-2423.

Mr. Jim Theobald, the applicant's representative, requested deferral of Case 07SN0356 to the October 16, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved to defer Case 07SN0356 to the October 16, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

◆ **REQUEST FOR DEFERRAL BY STAFF.**

**07SN0365:** In Clover Hill Magisterial District, **AMBERLEIGH LLC** requested rezoning and amendment of zoning district map from Residential Townhouse (R-TH) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies on 17.7 acres fronting approximately 770 feet on the north line of Hull Street Road at its intersection with Ladino Road. Tax IDs 751-687-3263, 6434 and 6883.

Mr. Andy Scherzer, the applicant's representative, accepted deferral of Case 07SN0365 by Mr. Gulley to the September 18, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at Mr. Gulley's request.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission, on their own motion, resolved to defer Case 07SN0365 to the September 18, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

◆ **REQUESTS FOR DEFERRAL BY INDIVIDUAL PLANNING COMMISSIONERS.**

**08SN0112:** In Bermuda Magisterial District, **STONE GLEN LLC** requested amendment to rezoning (Case 02SN0186) and amendment of zoning district map relative to right of way dedication on Harrowgate Road. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The

Comprehensive Plan suggests the property is appropriate for residential use of 2.51-4.0 units per acre. This request lies in a Residential (R-12) District on 143.2 acres fronting approximately 1,750 feet on the west line of Harrowgate Road across from Wellspring Road. Tax ID 791-641-1825.

Mr. John Easter, the applicant's representative, accepted deferral of Case 08SN0112 by Mr. Wilson to the September 18, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at Mr. Wilson's request.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission, on their own motion, resolved to defer Case 08SN0112 to the September 18, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**06SN0220:** In Dale Magisterial District, **BROOKSTONE BUILDERS** requested rezoning and amendment of zoning district map from Agricultural (A) and Residential (R-12) to Residential (R-15). Residential use of up to 2.9 units per acre is permitted in a Residential (R-15) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0-2.5 dwelling units per acre. This request lies on 188 acres fronting in two (2) places approximately 1,250 feet on the north line of Jacobs Road, also fronting approximately 1,150 feet on the west line of Fordham Road and lying at the southern termini of Double Tree Lane and Land Grant Drive and the western termini of Barefoot Trail and Quail Ridge Road. Tax IDs 753-680-Part of 5601; 753-684-4148; 754-681-5861; 755-683-7406; 756-683-5406; 757-682-0789 and 3089; and 757-683-1431 and 1912.

Mr. Andy Scherzer, the applicant's representative, accepted deferral of Case 06SN0220 by Mr. Litton to the October 16, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at Mr. Litton's request.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission, on their own motion, resolved to defer Case 06SN0220 to the October 16, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**07SN0206:** (Amended) In Matoaca Magisterial District, **GBS HOLDING LTD** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-15) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 2.90 units per acre is permitted in a Residential (R-15) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 38.8 acres fronting approximately 290 feet on the west line of Old Hundred Road approximately 2,900 feet northwest of Otterdale Road. Tax ID 714-698-Part of 3178.

Mr. Casey Sowers, the applicant's representative, stated he did not object to deferral of Case 07SN0206 by Mr. Bass but asked that the deferral be for only thirty (30) days as opposed to sixty (60) days.

Mr. Gecker opened the discussion for public comment.

Ms. Betty Williams, Ms. Donna Woods and Mr. Hugh Woodall, adjacent property owners, asked that the case not be deferred, noting they were pleased with the developer's proposal, felt it was the best use of the property and asked that if the request must be deferred that it be deferred for only thirty (30), not sixty (60), days.

There being no one else to speak, Mr. Gecker closed the public comment.

In response to a question from Mr. Wilson, Mr. Bass stated the subject property was located in a very sensitive area and he felt the deferral was appropriate to allow compatibility issues/concerns to be addressed.

The following motion was made at Mr. Bass' request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission, on their own motion, resolved to defer Case 07SN0206 to the October 16, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley and Bass.  
ABSTENTIONS: Messrs. Wilson and Litton.

◆ **REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT.**

**07SN0366:** In Bermuda Magisterial District, **CHESTERFIELD BOARD OF SUPERVISORS** requested rezoning and amendment of zoning district map of 1.1 acres from Multifamily Residential (R-MF) to Residential (R-12) with Conditional Use to permit two-family dwellings and Conditional Use Planned Development to permit exceptions to Ordinance requirements on this parcel and an adjacent 38.3 acres zoned Residential (R-7). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 7.01 to 10 units per acre. This request lies on 39.4 acres fronting approximately 1,000 feet on the south line of Drewrys Bluff Road west of Old Plantation Road, also fronting approximately 1,020 feet on the north line of Alcott Road across from Telbury Street. Tax IDs 789-679-2472, 2715 and 6083; 789-680-0739 and 5623; and 790-679-Part of 0806.

Mr. Tom Jacobson, the applicant's representative, accepted staff's recommendation, including the Addendum.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Wilson referenced the expansion of Winchester Green, an element of revitalization in the Jefferson Davis Corridor, and stated that, in conjunction with the revitalization effort in the area, he felt approval of the request warranted deviation from the proffer policy and that a recommendation for approval was appropriate.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 07SN0366 and acceptance of the following proffered conditions:

## PROFFERED CONDITIONS

1. Master Plan The plan titled Winchester Forest Master Plan dated 5.3.07 and the Textual Statement dated 7.24.07, last revised August 9, 2007 shall be considered the Master Plan. (P)
2. Utilities The public water and wastewater systems shall be used, except for model home/sales offices not in permanent dwellings and/or construction offices. (U)
3. Timbering With the exception of timbering which has been approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
4. Density The maximum number of dwelling units developed on the property shall be 105. Single-family attached units shall not exceed 36. (P)
5. Lighting Except for decorative lighting attached to a building, the maximum height of lampposts shall be 30 feet. Exterior lighting shall meet the requirements of the Zoning Ordinance except that porch lights, lamps, decorative and period lighting that is in keeping the pedestrian oriented character of Winchester Forest shall be permitted. (P)
6. Open Space At a minimum the following open space shall be provided:
  - A. Within the Property a minimum of 30 percent, (12 acres) of the gross acreage shall be devoted to open space.
  - B. Of this open space a minimum of 11 acres shall be preserved forest and a minimum of 1 acre shall be usable as recreational and social gathering areas including a centrally located focal point for community gatherings.
  - C. Additional forest areas of 2.5 acres will be preserved within the lots through restrictive covenants. (P)
7. Stormwater

Winchester Forest will retain the 2-year and 10-year post development runoff rates and release at the 2 year and 10 year pre development rate for that area that drains to the south-west to No Name Creek. This may be modified at time of plan review if a greater release rate has no affect on the flooding of Alcott Road, as it currently exists to the extent acceptable with the Chesterfield County Environmental Engineering Department. (EE)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.



**07SN0371:** In Dale Magisterial District, **HOLIDAY SIGNS, INC.** requested amendment of Conditional Use Planned Development (Case 79SN0079) and amendment of zoning district map relative to signage. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use uses. This request lies in a Neighborhood Business (C-2) District on 0.6 acre located in the northeast quadrant of Krause and Beach Roads. Tax ID 771-661-1256.

Mr. Allen Twedt, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 07SN0371.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**07SN0373:** In Bermuda Magisterial District, **KCCCC, LLC** requested Conditional Use and amendment of zoning district map to permit outdoor recreation and day care uses plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.5 dwelling units per acre or less. This request lies in an Agricultural (A) District on 3.6 acres and is known as 1101 Point of Rocks Road. Tax ID 821-642-4471.

Mr. Dean Hawkins, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 07SN0373, subject to the following conditions and acceptance of the following proffered conditions:

CONDITIONS:

1. The Textual Statement, dated August 7, 2007, shall be considered the master plan. (P)
2. Except as stated in the Textual Statement and where the requirements of the underlying Agricultural (A) zoning are more restrictive, any new development for outdoor recreational and day care center use shall conform to the requirements of the Zoning Ordinance for commercial uses in Emerging Growth District Areas, excluding buffer requirements. (P)

PROFFERED CONDITIONS

1. The uses permitted shall be limited to:
  - a) Outdoor Recreational Establishments
  - b) Picnic Shelters
  - c) Meeting and Conference uses as an accessory to structures on the property.
  - d) Daycare facility (P)

2. No outside public address system or speakers shall be permitted. (P)
3. No organized or sports association sanctioned athletic events (i.e. tournament play) shall be permitted. (P)
4. All Outdoor Recreational Establishment activities shall be limited to hours of operation of between 7 AM to 11 PM on Sunday through Thursday, and from 7 AM to 12 AM on Friday and Saturday. (P)
5. Daycare Facilities shall be limited to a building area of no more than 5,000 SF. Prior to the approval of any site plan for a daycare facility, the developer shall submit a noise study for review and approval by the Transportation Department. Costs associated with the noise study shall be the responsibility of the developer. The noise study shall determine the need, if any, for noise attenuation adjacent to Interstate 295 in accordance with Federal Highway Administration noise criteria with modifications approved by the Transportation Department. The developer shall be responsible for implementing any required mitigation measures. (P and T)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**07SN0376:** In Midlothian Magisterial District, **BON AIR ANIMAL HOSPITAL** requested rezoning and amendment of zoning district map from Neighborhood Commercial (C-2) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light commercial use. This request lies on 0.6 acre fronting approximately 160 feet on the east line of McRae Road approximately seventy (70) feet south of West Huguenot Road. Tax ID 754-720-5612.

Dr. Gary Zavik, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 07SN0376 and acceptance of the following proffered conditions:

**PROFFERED CONDITION**

Uses shall be limited to those uses permitted by right or with restriction in the Neighborhood Business (C-2) District and veterinary hospitals without outside runs. (P)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**07SN0382:** In Midlothian Magisterial District, **CHESTERFIELD COUNTY BOARD OF SUPERVISORS** requested Conditional Use Planned Development and amendment of zoning district map to permit a computer-controlled variable message, electronic sign. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for planned transition area use. This request lies in a Residential (R-15) District on 68.4 acres and is known as 401 Charter Colony Parkway. Tax ID 726-704-6792.

Mr. Kirk Turner, agent for the request, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Gulley indicated he would abstain on the vote, as he felt approving the use of a computer-controlled variable message, electronic sign at the school would set a precedent for such uses in other areas and, if such a sign were approved in the community in which he lived, he felt the impact would be intrusive

On motion of Mr. Gecker, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 07SN0382 subject to the following condition:

CONDITION

In addition to Ordinance requirements, any computer-controlled, variable message, electronic sign shall conform to the following standards:

- a. Such sign shall be located on Charter Colony Parkway;
- b. Copy shall be limited to a maximum of two (2) lines which shall not move, but may fade;
- c. The message or display shall be programmed or sequenced to change no more than once every twenty-four (24) hours;
- d. The copy display color shall either be white or yellow;
- e. Flashing and traveling messages shall be prohibited; and
- f. Bijou lighting and animations effects shall be prohibited. (P)

AYES: Messrs. Gecker, Wilson, Litton and Bass.

ABSTENTION: Mr. Gulley.

**07PD0415:** In Midlothian and Clover Hill Magisterial Districts, **NEW CINGULAR WIRELESS PCS, LLC** requested Substantial Accord Determination and amendment of zoning district map to permit a communications tower in a Residential (R-9) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.01 to 2.0 units per acre. This request lies on 0.2 acre located within the northeast quadrant of the interchange of Route 288 and Woolridge Road. Tax Map 722-703.

Mr. Brennen Keene, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission found Case 07PD0415 for a proposed public facility (to permit a communications tower in a Residential (R-9) District) to be in Substantial Accord with the Comprehensive Plan.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**08PD0112:** In Dale Magisterial District, **CLEARWIRE US, LLC** requested Substantial Accord Determination and amendment of zoning district map to permit a communications tower in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0 - 2.5 dwelling units per acre. This request lies on 0.2 acre fronting approximately 20 feet on the west line of

Salem Church Road approximately 410 feet north of Bellmeadows Road. Tax IDs 777-670-8295 and 778-671-Part of 2430.

No one was present to represent the request.

In response to questions from Mr. Litton, staff indicated the applicant's representative lived outside the state and was not in attendance.

Mr. Litton stated he was not aware of any issues pertaining to the request and felt it appropriate to proceed.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Gecker opened the discussion for public comment.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission found Case 08PD0112 to permit a communications tower in an Agricultural (A) District to be in Substantial Accord with the Comprehensive Plan.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**07SN0152:** (Amended) In Matoaca Magisterial District, **PATRICIA H. PATTON AND MICHAEL AND MYRNA T. MCCAFFERY** requested rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor uses. This request lies on 12.5 acres fronting approximately 1,500 feet on the south line of Hull Street Road approximately 170 feet east of Mockingbird Lane. Tax ID 730-674-7150 and 731-674-2477.

Mr. William Shewmake, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 07SN0152 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Water and Sewer. The public water and wastewater systems shall be used. (U)
2. Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
3. Dedication. Prior to any site plan approval or within sixty (60) days from a written request by the Transportation Department, whichever occurs first, one hundred (100) feet of right-of-way along the south side of Route 360, measured from the centerline of that part of Route 360 immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)

4. Access. Direct vehicular access from the property to Hull Street Road (Route 360) shall be limited to one (1) entrance/exit. The exact location of this access shall be approved by the Transportation Department. (T)
5. Transportation. In conjunction with initial development of the property, additional pavement shall be constructed along the eastbound lanes of Route 360 to provide a separate right turn lane at the approved access. In conjunction with any development on the Parcel identified as Tax ID 730-674-7150, additional pavement shall be constructed along the eastbound lanes of Route 360 to provide an additional lane across the entire property frontage of that Parcel. The developer shall dedicate to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for these improvements. (T)
6. Open Basins. Any open basins required for water quantity or quality which are designed as wet ponds shall be landscaped or otherwise improved so that the facilities become visual enhancements to, and amenities for, the uses developed on the Property. At the time of site plan submission, a plan depicting these requirements shall be submitted for review and approval. (P)
7. Parking Lot Lights. Freestanding parking lot lights shall not exceed twenty (20) feet in height. (P)
8. Hours of Operation. Except for a bank ATM no use shall be open to the public between 12 midnight and 6:00 a.m. (P)
9. Elevation. Any building shall be constructed so that the lowest finished floor shall have a minimum elevation of 190.5 feet above sea level. (EE)
10. Square footage: No single tenant shall exceed thirty thousand gross feet. (P)
11. Prohibited Uses. The following uses shall not be permitted:
  - a. hotels; and
  - b. indoor flea markets. (P)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**07SN0300:** In Bermuda Magisterial District, **ANDREW WALKER** requested rezoning and amendment of zoning district map from Residential (R-7) to Corporate Office (O-2). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office/residential mixed use uses. This request lies on 0.6 acre and is known as 3453 West Hundred Road. Tax ID 793-655-4597.

Mr. Andrew Walker, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 07SN0300 and acceptance of the following proffered conditions:

## PROFFERED CONDITIONS

1. In conjunction with recordation of the initial subdivision plat, prior to any site plan approval, or within sixty (60) days from the date of a written request by the Transportation Department, whichever occurs first, forty-five (45) feet of right-of-way on the south side of West Hundred Road (Route 10), measured from the centerline of that part of Route 10 immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
2. No direct vehicular access shall be provided from the property to Route 10. Direct vehicular access from the property to Curtis Street shall be limited to one (1) entrance/exit, generally located at the southern property line. The exact location of this access shall be approved by the Transportation Department. (T)
3. If any additional impervious is created above what currently exists on the property, the drainage from all impervious area will be directed to Curtis Street. (EE)
4. Uses permitted shall be limited to those uses permitted by right or with restrictions in the Neighborhood Office (O-1) District. (P)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

- ◆ **DEFERRED CONDITIONAL USE – ON JULY 17, 2007, THE PLANNING COMMISSION HELD A PUBLIC HEARING, CLOSED THE PUBLIC HEARING and DEFERRED ACTION TO THIS DATE.**

**07SN0350:** The Commission requests amendment to a Conditional Use Planned Development (Zoning Case 74S021) relating to open space in Brandermill Community. Case 74S021 required 940 acres of open space; this amendment would reduce the total to 912.9 acres. Open space would consist of 473.3 acres owned by Brandermill Comm. Ass'n, 24.5 acres owned as private open space, 173.2 acres owned by Commonwealth Golf Prop., LLC, and not more than 241.9 acres within existing road rights of ways, all of which is shown on a document "Brandermill Residential Communities Open Space Calculations" dated 5/7/07 which is part of this application and can be reviewed at Planning Department on weekdays between 8:30 am & 5:00 pm. Uses permitted in required open space would also be amended so that, except for open space in existing roads, open space could be used only for: maintaining as natural vegetation or landscaped areas; active or passive recreational uses incl. but not limited to walking & biking paths, playgrounds, golf course, pools, tennis courts, related parking lots & bldgs; & temporary activities & events such as art shows, annual celebrations, & special outings that support the recreational nature of open space. This request affects all properties that are currently within the boundaries of the Brandermill Community except as noted below. These boundaries follow the entire east line of the Swift Creek Reservoir down to the south line of Swift Creek Reservoir to the west line of the Harbour Pointe residential community over to Hull Street Road. Follow the north line of Hull Street Road to the west line of South Old Hundred Road. Follow the west line of South Old Hundred Road to Genito Road where South Old Hundred Road changes to Charter Colony Parkway. Follow the west line of Charter Colony Parkway to the south line of Old Hundred Road. Follow the south line of Old Hundred Road to the west line of Brandermill Woods and follow the west line of Brandermill Woods to the west line of Deer Meadow subdivision to the west line of Birnam Woods to the west line of Millcrest subdivision to the upper east line of Swift Creek

Reservoir. Within these boundaries, all County-owned properties and commercial properties that do not pay dues to the Brandermill Community Association for maintenance are excluded from this request.

Mr. Turner noted the Planning Commission had previously held a public hearing, closed the public hearing and deferred action to this date relative to Case 07SN0350.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 07SN0350, subject to the following condition:

CONDITION

Open Space

- a. The plan titled "Brandermill: Proposed Open Space Requirements" **dated June 14, 2007**, and the chart titled "Brandermill Residential Communities Open Space Calculations" dated May 7, 2007, shall be considered the Master Plan. (P)
- b. A minimum of 912.9 acres shall be provided in open space, of which a maximum of 241.96 acres shall be contained within rights of way.
- c. Uses permitted within this open space shall be limited to the following:
  - i. Rights of way, as identified in "b".
  - ii. Naturally vegetated and landscaped areas.
  - iii. Active and passive recreational uses primarily serving the surrounding residential community, including, but not limited to, walking and biking paths, playgrounds, golf course, pools, tennis courts, as well as those uses customarily accessory to these recreational uses.
  - iv. Temporary activities and events such as art shows, annual celebrations and special outings that support the recreational nature of open space.
  - v. Country club facility, which may include the following accessory uses within the facility to serve and support the facility:
    - 1. conference rooms
    - 2. exercise rooms
    - 3. restaurant
    - 4. cocktail lounge
    - 5. offices to provide sales, reception/information centers for the exclusive use for sale/rental of Brandermill property.
    - 6. beauty and barber shop
    - 7. clothing and sporting good sales (pro shop)
    - 8. child care

(Note: This condition supersedes Exhibit B, Section 1, Subsection f, Chart III and Exhibit M of Case 74SN0021 relative to open space, recreation and activity area provisions)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

The Commission recessed at 6:52 p. m. and reconvened at 7:00 p. m.

◆ **CODE AMENDMENTS.**

◆ **SUBSTANTIAL ACCORD DETERMINATIONS.**

◆ ◆ ◆

An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Sections 19-5, 19-6, 19-24, 19-25 and 19-301 of the Zoning Ordinance relating to Substantial Accord Determinations. This amendment will require a public hearing for substantial accord determinations.

◆ ◆ ◆

Ms. Rogers presented an overview of the propose Code Amendment and staff's recommendation for approval.

No one came forward to speak in favor of, or in opposition to, the proposal.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to recommend approval of the following Code Amendment:

(1) *That Sections 19-5, 19-6, 19-24, 19-25 and 19-301 of the Code of the County of Chesterfield, 1997, as amended, be amended and re-enacted to read as follows:*

**Sec. 19-5. Enforcement.**

(a) (1) *General Enforcement Duties of Director of Planning.*

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(2) *Enforcement of conditions.* The director of planning shall administer and enforce conditions attached to zoning approvals, and development approvals ~~and substantial accord approvals for which a public hearing does not occur~~ and he shall have the authority to: issue a written order to remedy any noncompliance with a condition; bring legal action, including injunction, abatement or other appropriate action, to insure compliance with such conditions; and require a guarantee, in a form satisfactory to the county attorney, and in an amount sufficient for and conditioned upon the construction of any physical improvements required by the condition, or a contract for the construction of such improvements and the contractor's guarantee, in like amount and so conditioned, which guarantee shall be reduced or released by the county, upon the submission of satisfactory evidence that construction of such improvements has been completed in whole or in part. Failure to meet all conditions shall constitute cause to deny the issuance of any of the required occupancy or building permits.

(b) *Penalties for violation; right of entry.*

(1) Any person who violates this chapter or fails to comply with any conditions of zoning and development approvals ~~and substantial accord approvals for which a public hearing does not occur~~, other than those provisions set forth in section 19-6, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not less than \$10.00 and not more than \$1,000.00.

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(5) If the director of planning determines that any person has violated this chapter or failed to comply with any condition of a zoning or development approval ~~or of a substantial accord approval for which a public hearing does not occur~~, then he shall serve upon that person a notice to comply by either:

- a. Delivering the notice to the person by hand; or
- b. Mailing the notice by first class mail to the last known address of the person.  
The notice shall set forth the nature of the violation or failure to comply. Upon failure of the person to remedy the violation, comply with the condition or receive an extension within ten days after the date of delivery or mailing of the notice, the person shall be subject to the penalties set forth above. With respect to violations or failures to comply involving portable signs or the parking or display of motor vehicles, the person shall remedy the violation or comply with the condition within 24 hours of service of the notice or receive an extension, or the person shall be subject to the penalties above.

#### **Sec. 19-6. Civil penalties for certain violations.**

(a) Any violation of the following provisions shall be punishable by a civil penalty of not more than \$100.00 for the initial summons and not more than \$250.00 for each additional summons:

(1) Operation of a business that is not a home occupation, on a lot or parcel inside or outside of a dwelling unit or accessory building, in any R, R-TH, R-MF or A district, without a special exception or conditional use.

(2) Violation of any condition of zoning and development approvals and substantial accord approvals ~~for which a public hearing does not occur~~ that relates to the hours of operation of the use of land or that relates to reduction or control of noise from the use of land.

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#### **Sec. 19-24. Applications.**

- (a) (1) Any application for zoning approval ~~(except substantial accord)~~, or modification to development standards or requirements, may be initiated by resolution of the board of supervisors; by motion of the planning commission; or by petition of the property owner, contract purchaser with the property owner's written consent, or the property owner's agent, with the property owner's written consent. An application for substantial accord of a County facility may also be initiated by the Director of any County Department or County Office and by School Board administration with the approval of the School Board.

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- (c) Each application shall have attached a list of names and addresses of all persons owning any adjacent property to include property across any street, road, railroad right-of-way, body of water or political boundary. In addition, if the property is situated at or within 100 feet of the intersection of any two or more roads or highways or within 100 feet of the intersection of the right-of-way of any two railroads, the names and addresses of all property owners situated at all corners of the intersection shall be furnished. The information shall be obtained from the assessor's records.

- (d) Any applicant, other than one seeking to modify development standards or requirements, shall furnish the following information:
- (1) A list of the names and addresses of all persons owning any legal or equitable interest in the real property which is the subject of the application or petition as a title owner, lessee, easement owner, contract purchaser, assignee, optionee, licensee or noteholder, including trustees, beneficiaries of trusts, general partners, limited partners and all other natural or artificial persons owning any such interest; however, the names and addresses of governmental entities and public service companies owning recorded easements over the subject property need not be disclosed.
  - (2) If any of the persons disclosed under section 19-24(d)(1) is a corporation, then the application shall also list the names and addresses of any shareholders who own ten percent or more of any class of stock issued by such corporation and, if such corporation has ten or fewer shareholders, a list of the names and addresses of all the shareholders. If any of the persons disclosed under section 19-24(d)(1) is a partnership, joint venture, trust or other artificial person other than a corporation, then the application shall also list the names and addresses of any persons having any interest therein equal to ten percent or more of the total of all such interests and, if ten or fewer persons own all such interests, a list of the names and addresses of all such persons. For any corporation, partnership, joint venture, trust or other artificial person whose owners are unknown to the applicant and whose identities cannot be ascertained by the exercise of due diligence and for any corporation that has more than 100 shareholders or whose stock is regularly traded on a stock exchange or in the over the counter market, the applicant may so certify in lieu of providing a list of its stockholders or other persons having an interest therein.

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## Sec. 19-25. Fees.

The following fees, which include the costs of hearings, advertisements and notices when required, shall be deposited simultaneously with the filing of the application:

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- (k) Substantial accord determinations:
- (1) Existing zoning R, R-TH, R-MF, MH or A classification: 3,100.00
    - a. ~~Planning commission hearing~~ . . . 3,100.00
    - b. ~~Administrative determination~~ . . . 450.00
  - (2) Existing zoning O, I or C classification: 1,540.00
    - a. ~~Planning commission hearing~~ . . . 1,540.00
    - b. ~~Administrative determination~~ . . . 240.00

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## Sec. 19-301. Definitions.

For the purposes of this chapter, the following words and phrases shall have the following meanings:

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*Substantial accord:* A determination pursuant to Va. Code §15.2-2232, the County's Charter and the County's Substantial Accord Policy that certain proposed public features, uses areas, structures and facilities are substantially in accord with the County's Comprehensive Plan.

*Zoning approval:* Includes conditional use, conditional use planned development, conditional zoning, variance, special exception, substantial accord ~~for which a public hearing occurs~~, mobile home permit and rezoning approvals.

(2) *That these ordinances become effective immediately upon adoption*  
(1925:73426.1 - Rev'd 6/4/07 @ 12:10 p.m.)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

### ◆ SUBDIVISION FEES.

◆ ◆ ◆

An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Section 17-11 of the subdivision ordinance relating to subdivision fees. The legal authority for enactment of these fees, levies and increases includes the County Charter and Va. Code §15.2-2241(9). No other new or increased fees are proposed with this ordinance amendment. In addition to any other fees required by the County under other ordinances, the proposed ordinance would increase current subdivision fees as set forth below.

- (a) Alternatives to chapter per §17-8 would increase from \$380.00 to \$700.00, plus any applicable plat review fee.
- (b) Appeal of decision of director of planning would increase from \$290.00 to \$400.00.
- (c) Deferral request by applicant for planning commission consideration of plat would remain the same, per request, at: (1) 40 or fewer days: \$250; (2) More than 40 days: \$150.
- (d) Final check, amended and resubdivision plat review: (1) final check subdivision plat review, would increase from \$720.00 to \$1,100.00, plus the per lot charge would increase from \$10 to \$20; (2) final check resubdivision plat review would increase from \$560 to \$900, plus the per lot charge would increase from \$10 to \$20; (3) final check amended plat review would increase from \$330 to \$900, plus the per lot charge would increase from \$10 to \$20.
- (e) Minor subdivision plat review would increase from \$330 to \$400.
- (f) Onsite sewage disposal system soils analysis review would remain the same at \$155 per lot/parcel.
- (g) Parcel line modification review would increase from \$25 to \$50 per parcel.
- (h) Residential parcel subdivision would increase from \$35 to \$60 per parcel.
- (i) Tentative subdivision approval, or resubmittal of an expired previously approved tentative: (1) Original submittal, renewal of previously approved tentative plat or adjusted tentative plat for previously approved tentative plat, including up to two resubmittals, would increase from \$330 to \$800, plus the per lot charge would increase from \$20 to \$30; (2) Third and subsequent submittal, per submittal, would increase from \$220 to \$700; (3) Substitute to approved tentative, per submittal, would increase from \$60 to \$100.
- (j) Townhouse plan transfer to electronic format would increase from \$75 to \$80.
- (k) Written verification of subdivision or written subdivision interpretation would remain the same at \$75.



Mr. Larson presented an overview of the proposed Code Amendment relative to subdivision fee adjustments. He outlined a fee adjustment recommendation that, if adopted, was projected to recover approximately eighty percent (80%) of the Planning Department's subdivision review costs, per County policy. He also outlined alternative adjustments, suggested by the Subdivision Fee Review Committee, projected to recover approximately sixty-three percent (63%) of review costs.

Mr. Gecker opened the discussion for public comment.

Mr. Tyler Craddock, representing the Home Builders Association of Richmond, supported the Subdivision Fee Review Committee recommendation.

There being no one else to speak, Mr. Gecker closed the public comment.

Mr. Gecker expressed appreciation for the participation of the Committee members; referenced a letter received from Mr. Scott Camp outlining his position relating to the fee adjustments; stated he did not agree with the County's eighty percent (80%) fee recovery policy; and that he felt the Committee's recommendation would adequately cover the cost of the two new subdivision review positions approved as part of the County's FY07-08 budget.

On motion of Mr. Gecker, seconded by Mr. Bass, the Commission resolved to recommend approval of the proposed Code Amendment relative to subdivision fee adjustments, as recommended by the Subdivision Fee Review Committee and denoted in the following chart:

Planning Dept. Fees	Current Fee	Adjustment As Recommended By Staff	Adjustment As Recommended By Fee Committee
<b>Subdivision - Tentative subdivision approval</b>			
1. Original submittal, including up to two resubmittals	\$ 330	\$ 800	\$ 500
a. Plus, per lot	\$ 20	\$ 30	\$ 25
2. Renewal of previously approved tentative, including up to 2 resubmittals	\$ 330	\$ 800	\$ 500
a. Plus, per lot	\$ 20	\$ 30	\$ 25
3. Third and subsequent submittal	\$ 220	\$ 700	\$ 300
4. Substitute to approved tentative, per submittal	\$ 60	\$ 100	\$ 80
5. Adjusted tentative for previously approved tentative, including up to 2 resubmittals	\$ 330	\$ 800	\$ 500
a. Plus, per lot (within 12 months of approval)	\$ 20	\$ 30	\$ 25
b. Third and subsequent, per submittal	\$ 220	\$ 700	\$ 300
<b>Subdivision - Final check, amended and resubdivision plat review</b>			
1. Final check subdivision plat	\$ 720	\$ 1,100	\$ 1,000
a. Plus, per lot	\$ 10	\$ 20	\$ 15
2. Final check resubdivision plat	\$ 560	\$ 900	\$ 900
a. Plus, per lot	\$ 10	\$ 20	\$ 15
3. Final check amended plat	\$ 330	\$ 900	\$ 500
a. Plus, per lot	\$ 10	\$ 20	\$ 15
4. Residential parcel subdivision (per parcel)	\$ 35	\$ 60	\$ 50
5. Parcel line modification (per parcel)	\$ 25	\$ 50	\$ 30
6. Appeal administrative subdivision decision	\$ 290	\$ 400	\$ 400

7. Minor subdivision	\$	330	\$	400	\$	400
8. Onsite sewage disposal system soils analysis review (per lot/parcel)	\$	155	\$	155	\$	155
9. Recordation Plat - Per sheet	\$	20	\$	20	\$	20
10. Electronic format transfer	\$	75	\$	80	\$	80
11. Alternatives to chapter per section 17-8	\$	380	\$	700	\$	600

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

◆ **REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION PRESENT.**

**07SN0338:** In Bermuda Magisterial District, **WAWA INC.** requested rezoning and amendment of zoning district map from Manufactured Home Park (MH-1) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community commercial use. This request lies on 4 acres located in the northwest quadrant of the intersection of Swineford Road and Jefferson Davis Highway. Tax ID 790-682-4662.

Mr. Clay presented an overview of the request and staff's recommendation for approval, subject to the applicant addressing transportation concerns.

Ms. Kristen Keatley, the applicant's representative, did not accept staff's recommendation, noting the applicant was negotiating with, but had not yet obtained, access to the north of the property. She further addressed issues raised regarding signalization at the Jefferson Davis Highway/Swineford Road intersection and other issues of concern.

Mr. Gecker opened the discussion for public comment.

Ms. Rene Eldred, President of the Bensley Area Civic Association, supported the request but expressed concerns/requested assistance in relocating residents of the existing manufactured home park.

Ms. Margaret Davis, a Bensley resident, supported the request, citing the benefits the development would bring to revitalization efforts in the area.

Mr. Rich Young, President of the Jefferson Davis Association, and Mr. Tom Jacobson, Director of Revitalization, supported the request, noting the development would be a good revitalization project for the Jefferson Davis Highway Corridor and asked the Commission to forward a recommend for approval to the Board of Supervisors.

There being no one else to speak, Mr. Gecker closed the public comment.

In response to questions from Mr. Gulley, Mr. McCracken addressed concerns/answered questions relative to full signalization at the Jefferson Davis Highway/Swineford Road intersection; precluding direct access to Route 1 in close proximity to the Route 1/Swineford Road intersection; the property's limited frontage along Route 1; and the inclusion of the County Transportation Department as an enforcement authority in determining approval and/or enforcement of the signalization requirement. He stated the Transportation Department could not support the application with direct access to Route 1 in such close proximity to the Route 1/Swineford Road intersection.

Mr. Gulley expressed concerns relative to the relocation of residents of the existing manufactured home park and suggested the applicants work closely with the appropriate individuals to ensure timely notification of the residents and that the developer follow through with assistance in the relocation process.

Mr. Wilson stated there were State statutes/requirements in place to ensure the appropriate and timely notification of park residents relative to the vacation of the property.

On motion of Mr. Wilson, seconded by Mr. Litton the Commission resolved to recommend approval of Case 07SN0383 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Direct vehicular access from the property to Jeff Davis Highway (Route 1) shall be limited to one (1) vehicular entrance/exit, as generally shown on Exhibit A, and shall provide an access easement to Tax ID 790-682-4694. The exact location of this access shall be approved by the Transportation Department. (T)
2. Direct vehicular access from the property to Swineford Road shall be limited to one (1) vehicular entrance/exit, as generally shown on Exhibit A. The exact location of this access shall be approved by the Transportation Department. (T)
3. Prior to Site Plan approval sixty (60) feet of right-of-way along the west side of Jeff Davis Highway (Route 1) measured from the centerline of that part of the roadway immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
4. A pedestrian barrier in the form of a fence shall be provided along the western property line immediately adjacent to the residentially zoned property. The exact design and location shall be approved at time of Site Plan review. (P)
5. The following Community Business (C-3) uses shall be prohibited:
  - a. Cocktail lounges and nightclubs. (P)
6. The developer shall analyze the drainage outfall downstream at Sherborne Road for the most restricting factor (channel capacity, floodplain and/or culvert capacity). Based on the study, the developer, to the extent practical and as determined at time of site plan review, shall retain water on site and release such that the most restrictive downstream factor is not exceeded. (EE)
7. The Developer shall be responsible for the full cost of signalization of the intersection of Jefferson Davis Highway and Swineford Road intersection, if warranted as determined by VDOT. (T)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**07SN0377:** In Clover Hill Magisterial District, **WILLIAM B. SIMMONS** requested Conditional Use Planned Development and amendment of zoning district map to permit three (3) freestanding signs. The density of

such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use uses. This request lies in a General Business (C-5) District on 5.5 acres fronting approximately 530 feet on the south line of Midlothian Turnpike approximately 710 feet west of Providence Road. Tax IDs 758-705-2928, 5331 and 5849.

Ms. Peterson presented an overview of the request and staff's recommendation denial, noting that the current sign standards of the Zoning Ordinance provided adequate identification for uses on the property; that the two existing signs on the property could be refaced to identify the new franchise without affecting the applicant's non-conforming status; and that approval of the request to permit an additional sign for advertising purposes could encourage other businesses to seek similar exceptions.

Mr. William Simmons, the applicant, did not accept staff's recommendation, noting a third freestanding sign was necessary to identify/advertise his new automobile franchise; he did feel the signs would be located too closely to each other; and he accepted the area/height dimensions outlined in the Textual Statement included in the "Request Analysis."

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 07SN0377, subject to the following condition:

#### CONDITION

The Textual Statement received June 29, 2007, shall be considered the Master Plan.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**05SN0239:** (Amended) In Clover Hill Magisterial District, **THE CHEATHAM FAMILY LIMITED PARTNERSHIP** requested rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3) with Conditional Use to permit multifamily and townhouse uses plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use uses. This request lies on 63.5 acres fronting approximately 550 feet on the north line of Hull Street Road, also fronting approximately 2,400 feet on the west line of Route 288 and located in the northwest quadrant of the intersection of these roads. Tax IDs 733-680-Part of 9439; 734-678-2276; and 734-681-0526 and 3904.

Mr. Clay presented an overview of the request and staff's recommendation for approval, subject to the applicant addressing concerns relative to the provision of a second access for more than fifty (50) dwelling units. He stated, however, staff did not recommend approval of the waiver to street connectivity requirements to Red Chestnut Drive.

Mr. Andy Scherzer, the applicant's representative, accepted the recommendation for approval of the rezoning but did not accept the recommendation for denial of the waiver to street connectivity requirements to Red Chestnut Drive. He submitted copies of a layout depicting proposed road improvements; noted area residents opposed connectivity to Red Chestnut Drive; and stated he felt the request, as presented, merited approval.

Mr. Gecker opened the discussion for public comment.

Mr. Arnold Weatherford, President of the Nuttree Civic Association, did not oppose the request but expressed concerns relative to increased traffic volumes and congestion; connectivity; potential accidents; and the devaluation of property. He asked that the rights of all affected parties be protected and that assurances be put in place to ensure the developer did not change the property use.

Mr. Harry Ellis, a Market Square property owner, stated he supported the rezoning but did not support the closure of the easternmost connection from Market Square Lane to the Market Square Shopping Center to discourage traffic from using the existing private driveway that accessed Route 360.

There being no one else to speak, Mr. Gecker closed the public comment.

In rebuttal, Mr. Scherzer addressed concerns relative to connectivity, road improvements, limited uses and other issues.

In response to questions from the Commission, staff addressed issues/answered questions relative to transportation challenges in the area; access to/from Route 288; proposed uses; buffers; setbacks; noise abatement; the development's impact on schools; emergency access versus second public road access; and other issues of concern.

In response to Mr. Gecker's concerns relative to the number of units on one public road access and the impact should the access be blocked, Lt. Nause stated the Fire Department did not support the use of an emergency access in lieu of a second public access to the site and that one (1) access was insufficient to accommodate 600 units.

Mr. Gulley indicated area access has been a continuing problem in this area. He noted an adjacent church was providing an emergency access and that long-term a second public road access would be provided to the north.

Mr. Gulley made a motion, seconded by Mr. Bass, to recommend approval of the rezoning for Case 05SN0239 and acceptance of the following proffered conditions:

#### PROFFERED CONDITIONS

1. Master Plan. The Textual Statement dated February 8, 2005, and last revised August 8, 2007, shall be considered the Master Plan. (P)
2. Utilities. Public water and wastewater systems shall be used. (U)
3. Senior Housing. Any dwelling units designated for "age restricted" housing shall be noted on the site plan and/or on any subdivision plat. Such dwelling units shall be grouped together as part of the same development section(s). (P)
4. Impacts on Capital Facilities. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield, for infrastructure improvements within the service district for the property:
  - A. Prior to the issuance of a building permit for each dwelling unit other than age restricted dwelling units defined in Proffered Condition 14, the applicant,



subdivider, or assignee(s) shall pay to the County of Chesterfield the following amounts for infrastructure improvement within the service district for the property:

- 1.) If payment is made prior to July 1, 2007, \$15,600.00 per dwelling unit;
  - 2.) If payment is made after June 30, 2007, the amount approved by the Board of Supervisors not to exceed \$15,600.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006, and July 1 of the fiscal year in which the payment is made.
- B. Prior to the issuance of a building permit for each dwelling unit that is designated "age-restricted" the applicant, subdivider, or assignee(s) shall pay to the County of Chesterfield the following amounts for infrastructure improvement within the service district for the property:
- 1.) If payment is made prior to July 1, 2007, \$10,269.00 per dwelling unit. At time of payment \$10,269.00 will be allocated pro-rata among the facility costs as follows: \$602.00 for parks and recreation, \$348.00 for library facilities, \$8,915.00 for roads and \$404.00 for fire stations; or
  - 2.) If payment is made after June 30, 2007, the amount approved by the Board of Supervisors not to exceed \$10,269.00 per dwelling unit pro-rated as set forth in Proffered Condition 4.B.1. above and adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006, and July 1 of the fiscal year in which the payment is made.
- C. At the option of the Transportation Department the cash proffer payment may be reduced for road improvements by an amount not to exceed the amount that would be paid in cash proffers for the road component as identified in Proffered Conditions 4.A. and 4.B. above, exclusive of those road improvements identified in Proffered Condition 8, performed by the applicant, subdivider, or assignee(s), as determined by the Transportation Department.
- D. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law.
- E. Should any impact fees be imposed by the County of Chesterfield at any time during the life of the development that are applicable to the property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees, in a manner determined by the County. (B & M)
5. Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)

6. Access to Hull Street Road. No direct vehicular access shall be provided from the property to Hull Street Road, other than an emergency access as referenced in Proffered Condition 13. (T)
7. Connectivity. A stub road shall be provided to GPIN #733-681-0761. (T & P)
8. Road Improvements. The developer shall be responsible for the following:
  - A. Construction of two (2) additional lanes to provide a four-lane divided facility for Market Square Lane from Old Hundred Road tot the western property line of the subject parcel;
  - B. Construction of additional pavement to provide a four-lane, undivided facility (i.e. two (2) northbound lanes and two (2) southbound lanes) for Old Hundred Road from Millridge Parkway to Market Square Lane;
  - C. Construction of additional pavement to provide a three (3) lane typical section (i.e. two (2) southbound lanes and one (1) northbound lane for Old Hundred Road from Market Square Lane to Tall Hickory Drive. The exact length of this improvement shall be approved by the Transportation Department;
  - D. Deletion of the connection from Market Square Lane to the access drive located on GPIN #733-678-5976, with the exact design approved by the Transportation Department;
  - E. Construction of a separate left turn lane along Old Hundred Road southbound at the Market Square Lane intersection;
  - F. Construction of additional pavement along Old Hundred Road to provide an additional southbound lane at its intersection with Hull Street Road (Route 360);
  - G. Full cost of traffic signalization at the Old Hundred Road/Market Square Lane intersection, if warranted, as determined by the Transportation Department;
  - H. Full cost of traffic signal modification at the Route 360/Old Hundred Road intersection;
  - I. Dedication to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire any "off-site" right-of-way that is necessary for these improvements. The developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way, as determined by the Transportation Department. (T)

9. Phasing Plan. Prior to any construction plan approval or prior to any site plan approval, whichever occurs first, a phasing plan for the required road improvements, as identified in Proffered Condition 8, shall be submitted to and approved by the Transportation Department. (T)
10. Transportation Density. For traffic planning purposes, the maximum density of this development shall be a combination of uses that would produce a maximum of 648 AM and 596 PM peak hour trips or equivalent densities as approved by the Transportation Department. (T)
11. Route 288 Setback. Except as noted here in, a minimum setback distance of two hundred (200) feet exclusive of required yards, shall be provided from the limited access right-of-way for Route 288 to any residential dwelling unit. Natural vegetation shall be retained within the setback area unless removal is required to install noise attenuation measures or is approved by the Planning Commission. This minimum setback distance from the limited access right-of-way for Route 288 may be reduced up to a distance of 150 feet for any multifamily residential building that exceeds two (2) stories in height and contains more than twenty (20) dwelling units if a noise study demonstrates that such a reduction is acceptable to the Director of Transportation. (T)
12. Public Roads. In residential development, all roads that accommodate general traffic circulation through the development, as determined by the Transportation Department, shall be designed and constructed to VDOT standards and taken into the State System. Setbacks from these roads shall be identified for special access streets pursuant to Section 19-505(b) of the Zoning Ordinance, subject to approval by the Planning Department and the Transportation Department at the time of site plan and/or tentative subdivision review. (T)
13. Emergency access. In lieu of a second public access, an emergency access shall be provided from the property to Hull Street Road, either directly or indirectly through GPIN #733-678-5976 or 733-678-9465 prior to occupancy of more than fifty (50) units. The location of this emergency access shall be reviewed and approved by the Transportation and Fire Department. The design and maintenance of this emergency access shall be reviewed and approved by the Fire Department in conjunction with site plan approval. Additional emergency accesses may be approved by the Planning Commission at time of Schematic Plan approval. (T & F)
14. Age Restriction. Except as otherwise prohibited by the Virginia Fair Housing Law, the Federal Fair Housing Act, and such other applicable federal, state or local legal requirements, dwelling units designated as age-restricted shall be restricted to "housing for older persons"; as defined in the Virginia Fair Housing Law and no persons under 19 years of age shall reside therein. (P)
15. Building Height. Any buildings constructed within three hundred (300) feet of Nuttree Subdivision shall be limited to two stories in height or thirty five (35) feet in height, whichever is less. (P)

16. Lighting.

- a. Exterior lighting shall meet the requirements of the Zoning Ordinance for the Village District except that porch lights, lamps, decorative, and period lighting that is in keeping with the pedestrian oriented character of the development and that do not use high intensity discharge lamps, shall be exempted from said requirements. Lamps attached to a building shall be no higher than the roofline or parapet wall.
- b. Generally, streetlights shall be located on both sides of public roads. Streetlight fixtures, poles, and lamp types shall be consistent along a street. The maximum height of streetlights shall be twenty (20) feet. The selected streetlight shall be compatible with the pedestrian oriented character of the development. The exact type of streetlight(s) and the locations shall be determined at the time of Site Plan and/or Subdivision Plan review. (P)

17. Density. The total number of dwelling units shall not exceed 600. (P)

18. Open Space. At a minimum, the following Open Space areas shall be provided:

- A. Within the Property, a minimum of 25 percent of the gross acreage shall be devoted to open space.
- B. Of this open space, a minimum of 2.0 acres shall be usable to accommodate recreational and social gatherings for residents and employees. Facilities to accommodate these uses shall be provided in the usable open space and can include, but not to be limited to, pavilions, gazebos, neighborhood parks, trails, hardscaped areas with benches, and other amenities to facilitate community use. This open space may include a clubhouse, which shall serve as a focal point and gathering place for the residents. Prior to the issuance of more than 300 residential certificates of occupancy, the clubhouse shall be completed.
- C. Focal Point. A minimum of 0.75 acres of open space shall be provided to establish a "focal point". Part of the area shall be "hardscaped" and have benches and other amenities that accommodate and facilitate gatherings. A portion of the focal point may include areas devoted to water facilities. The focal point shall be developed concurrent with the first phase of residential development. The exact design and location shall be approved by the Planning Department at the time of site plan and/or tentative subdivision review. (P)

The vote on Mr. Gulley's motion was as follows:

AYES:	Messrs. Gulley and Bass.
NAYS:	Messrs. Gecker and Litton.
ABSTENTION:	Mr. Wilson.

Mr. Gecker stated he was concerned that area residents may not be able to get out of the neighborhood in the event of an emergency,

Due to a lack of a majority vote, Case 05SN0239 was carried over to the September 18, 2007, Planning Commission public hearing.

**06SN0244:** In Bermuda Magisterial District, **H. H. HUNT CORPORATION** requested rezoning and amendment of zoning district map of a 1,445.4 acre tract from Agricultural (A) to Residential (R-12) with Conditional Use Planned Development to permit exceptions to Ordinance requirements plus Conditional Use to permit recreational facilities on 43.5 acres of the 1,445.4 acre tract and rezoning of a 169.1 acre tract from Agricultural (A) to Regional Business (C-4) with Conditional Use Planned Development to permit exceptions to Ordinance requirements plus Conditional Use on 3.0 acres of the 169.1 acre tract to permit an above-ground utility structure (wastewater pump station). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use and residential use of 1.01-2.5 units per acre. This request lies on 1,614.5 acres fronting approximately 2,890 feet on the south line of Bradley Bridge Road, also fronting in two (2) places for approximately 9,490 feet on the west line of Branders Bridge Road. Tax IDs 780-644-8171; 781-637-Part of 6541; 781-639-3251; 781-641-6250; 783-635-0505; and 784-641-6810.

Ms. Orr presented an overview of the request and staff's recommendation for approval of the rezoning and denial of the waiver to street connectivity requirements to Glebe Point and Skybird Roads and referenced the Addendum reflecting additional proffered conditions and letters/petitions of opposition.

Mr. Jim Theobald, the applicant's representative, presented an overview of the proposal depicting area development trends; adjacent subdivision developments; amenities; architecture and proposed layout of the project. He stated the development would provide infrastructure as phases were constructed; significant road improvements not funded by the County or State; noted that roads would be constructed prior to any homes; and cited school/park site dedications and other elements of the development that would be beneficial to the community.

Mr. Gecker opened the discussion for public comment.

Mr. Frank Gruden; Ms. Darlene Sweat; Mr. Edward Sismour; Mr. Tom Watson; Ms. Susan Labossiere; Ms. Kay Robertson; Mr. Mark Endries; Ms. Frances Wargofcak; Mr. Jack McHale; Ms. Lisa Watson-Mansfield; and Mr. Jeff Samuels, area/County residents and/or adjacent property owners, opposed the request, citing concerns relative to connectivity and the cut-through traffic that would be generated by such a connection; density; size of the development; increased traffic volumes on inadequate road network; the loss of a sense of neighborhood community and the devaluation of property and dwellings; disruption of the tranquility and the current residents' quality of life; environmental issues and concerns; the adverse impact the development would have on area wildlife and the Chester Linear Park; and the potential for the use of eminent domain to acquire land for infrastructure improvements which would dramatically impact any residents living in the affected areas.

There being no one else to speak, Mr. Gecker closed the public comment.

In rebuttal, Mr. Theobald addressed the previously expressed concerns, noting the impacts of the proposed development had been more than mitigated by the proposal, as submitted; cited amenities including pedestrian trails, school/park sites, etc.; and noted the proposal had been postured from the onset to provide necessary infrastructure prior to the construction of the development.

In response to questions from the Commission, staff addressed issues/answered questions relative to road improvements; funding; timing of the road improvements; controlled but not limited access; sidewalks; etc.

Mr. McCracken indicated he was satisfied with the transportation proffered conditions; Dr. Etienne indicated he was satisfied with the school proffered conditions; and Ms. Rogers answered questions relative to the *Southern and Western Area Plan* recommendation/designation for use of the property.

Mr. Wilson stated the proposal had been in progress for over two (2) years; that full phasing of development would take approximately twenty (20) to twenty-five (25) years; that the development offered significant infrastructure improvements; and he felt a recommendation for approval was appropriate.

Mr. Wilson made a motion, seconded by Mr. Litton, that the Commission recommend approval of Case 06SN0244 and acceptance of the following proffered conditions:

### PROFFERED CONDITIONS

The property owners and applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns (the "Developer"), proffer that the property (the "Property") under consideration will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the Developer. In the event this request is denied or approved with conditions not agreed to by the Developer, the proffers shall immediately be null and void and of no further force or effect.

This application contains three exhibits described as follows:

Exhibit A – Plan titled "Exhibit A. Branner Station Road Phasing Plan", originally prepared by Wilbur Smith Associates, dated September 15, 2006 and updated by T3 Design on April 20, 2007.

Exhibit B – Plan titled "Branner Station Offsite Roads Phasing Exhibit B," prepared by HHHunt, and dated September 15, 2006.

Exhibit C - Plan titled "East/West Freeway – North/South Parkway Interchange Exhibit C" prepared by Youngblood, Tyler and Associates, P.C. and dated February 16, 2007.

Exhibit D - Plat titled "Tract 9B Conceptual Plan for High School" prepared by Youngblood, Tyler and Associates, P.C. and dated July 30, 2007.

1. Master Plan. The Textual Statement last revised July 30, 2007, including the "Branner Station Chesterfield Master Plan" prepared by design forum, last revised February 16, 2007, shall be the Master Plan. (P)
2. Timbering. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
3. Overall Water/Wastewater Systems Plan.
  - a. The required Overall Water/Wastewater Systems Plan for the development, accompanied by a Utilities Infrastructure Phasing Plan, shall be submitted to the Utilities Department for review and approval prior to the final approval of any

tentative subdivision or site plan within the development. The overall plan shall be prepared in accordance with the requirements as outlined in Appendix 12 of the Chesterfield County Water and Sewer Specifications and Procedures Manual. The plan shall include, but not be limited to the following:

- i. a 16" water line along Branders Bridge Road for the entire length of the Property, or along a route within the development acceptable to the Utilities Department in either event, terminating at the southernmost boundary of the Property at Branders Bridge Road;
  - ii. interconnection between the Chester and Courthouse pressure zones, at a location acceptable to the Utilities Department. Infrastructure (pressure reducing or flow control valves) shall be installed if deemed necessary by the Utilities Department;
  - iii. off-site extension(s) from the Timsberry Creek Wastewater Trunk;
  - iv. map of the service area for a wastewater pump station; location of a public wastewater pumping station and associated gravity lines sized to serve that portion of the development within the Lower Swift Creek drainage basin and the remaining "Regional Mixed-Use" area as shown in the Southern and Western Area Land Use Plan (as amended 11/12/03);
  - v. a small-scale area map showing the route of the force main, extending from the new public wastewater pumping station to a discharge point near the existing Timsberry Creek Wastewater Pumping Station, the exact location of which is to be approved by the Utilities Department; and
  - vi. detailed engineering analyses of the water and wastewater systems for "Branner Station" to determine the future water pressure zone boundary line and points of interconnection, and to determine the location of the new wastewater pumping station and the appropriate discharge point for the force main.
- b. The Developer shall construct all improvements shown on the Overall Water/Wastewater Systems Plan for the development.
  - c. Prior to any tentative or site plan approval for any property which will be served by the pump station, the Developer shall dedicate free and unrestricted to and for Chesterfield County, after the dedications for roads as required by Proffered Condition 7, a maximum 3.0 acres for a wastewater pumping station. This site shall abut a public road and have direct access thereto. As an alternative, if approved by the Utilities Department, the site need not abut a public road, but shall have access to a public road via an easement of a width and location acceptable to the Utilities Department. Should it not be possible to locate the pumping station within the development and provide full access to the intended service area, the Developer shall dedicate free and unrestricted to and for Chesterfield County land off-site of a size and location acceptable to the Utilities Department, obtain the necessary zoning and/or Substantial Accord

Determination. The 3 acre site shall be exclusive of any road dedication to include those identified in Proffered Condition 7. (U)

4. Dedications for Public Purposes. The Developer agrees to dedicate, free and unrestricted to the County, the following areas as generally shown on the Master Plan as follows:

- A. Tract 9A – 32 usable acres
- B. Tract 9B – 75 usable acres
- C. Tract 11A – 30.6 acres
- D. Tract 11B – 3.9 acres

Such dedications are made for public schools, parks and recreation, a utility pump station or such other public purposes as determined by the County and at such alternate locations as may be mutually agreed upon by the Developer and the County.

“Usable acres” shall generally mean acreage excluding jurisdictional wetlands as defined by the Army Corp of Engineers, slopes in excess of ten (10) percent and setbacks applicable to the Property. Whether acreage is acceptable as “usable” acres to qualify for such dedications within Tracts 9A and 9B shall be mutually agreed upon by the Developer and the Chesterfield County Public School Administration or, if no agreement is reached, then as determined by the Chesterfield County School Board (“School Board”). In addition, if school facilities can be accommodated on fewer usable acres as determined by the School Board, the acres of such dedications within Tracts 9A and 9B may be reduced as determined by the School Board. Tract 9B is intended to be developed as generally shown on Exhibit D attached hereto prepared by Youngblood, Tyler and Associates, P.C. and dated July 30, 2007 entitled “Tract 9B Conceptual Plan for High School”.

Such dedications shall be made within sixty (60) days of a written request by the County, but subsequent to the dedications for roads as required by Proffered Condition 7. Such dedications will generally be made at such time as is consistent with the Developer's phased development and construction of infrastructure serving the Property as provided below.

Unless the County desires to accelerate the schedule provided below for Tracts 9A and 9B, infrastructure shall be brought by the Developer to the property lines of Tracts 9A, 9B, 11A and 11B. For Tract 9B, the Developer will construct on-site roads and those off-site roads required by the Study to access the high school site by the later of the opening of the proposed high school or 2015 and shall construct public water and wastewater systems (“public utilities”) to serve the site by the later of six (6) months prior to the opening of the proposed high school or 2015. Similarly, for Tract 9A, the Developer will construct on-site roads and those off-site roads required by the Study to access the elementary school site by the later of the opening of the proposed elementary school or 2014 and shall construct public utilities to serve the site by the later of six (6) months prior to the opening of the proposed elementary school or 2014. Any time beginning in 2013, within sixty (60) days of 1) a written request by the County and 2) approval of any required permits for the construction access and public water, the Developer shall dedicate the land for the high school and elementary school sites (Tracts 9A and 9B) and shall provide public water adequate for construction purposes and an approved construction access to both sites. Should the County desire to accelerate access roads and public utilities to



facilitate the County's schedule, the Developer is not obligated to accelerate its phasing and the County has the option to construct public utilities and access roads in accordance with Exhibit A at the County's expense. Subject to the foregoing contingencies, in no event shall the land dedications be made later than January 1, 2015 unless such date is mutually extended. (B&M, SA, P and T)

5. Unit Cap.

A. Uses A through H as described in the Textual Statement, including "accessory dwelling units" as defined therein, shall not exceed a total of 4,988 dwelling units in the aggregate, with separate density caps as follows:

- (1) The total number of dwelling units, as described in the Textual Statement, will not exceed a total of 4,456 dwelling units in the aggregate in the R-12 portions of the Property.
- (2) The total number of dwelling units, excluding Use H (Assisted Living Community) as described in the Textual Statement, will not exceed 100 dwelling units, in the aggregate, on Tract 6.
- (3) The total number of dwelling units as described in the Textual Statement will not exceed a total of 532 dwelling units in the aggregate in the C-4 portions of the Property.
- (4) Use E (Multifamily Community) as described in the Textual Statement, unless organized as a for sale condominium as defined by and subject to the Virginia Condominium Act,, will not exceed a total of 600 dwelling units for the R-12 portion of the Property.
- (5) Use E. (Multifamily Community) as described in the Textual Statement, unless organized as a for sale condominium as defined by and subject to the Virginia Condominium Act, will not exceed a total of 308 dwelling units for the C-4 portion of the Property.

B. Additional Limits on Use H:

- (1) Use H (Assisted Living Community) as described in the Textual Statement will not exceed 200 units for the R-12 Portion of the Property.
- (2) Use H (Assisted Living Community) as described in the Textual Statement will not exceed 100 units for the C-4 portion of the Property.

C. Commercial Limits and Guarantees

- (1) A maximum of 70,000 gross square feet of Use I (Town Center Commercial) is permitted in the R-12 portion of the Property in Tract 6.
- (2) Prior to recordation or site plan approval for a cumulative of more than 2,200 dwelling units, a land disturbance permit shall have been issued

and work begun in accordance therewith on a minimum of 15,000 gross square feet of Use I (Town Center Commercial) in Tract 6.

- (3) For Use I (Town Center Commercial) in Tract 6, each individual business shall be limited to a maximum of 5,000 gross square feet except that two (2) businesses shall be permitted a maximum of 15,000 gross square feet and one (1) business shall be permitted a maximum of 30,000 gross square feet.
- (4) A land disturbance permit shall have been issued and work begun in accordance therewith on a minimum of 50,000 gross square feet of nonresidential space in Tract 10 prior to the commencement of land disturbance for any residential dwelling units in Tract 10, excluding Use G (Town Center Residential) and Use H (Assisted Living Community). (P)

6. Maximum Density.

The maximum density of this development is 2,449 single-family units, 1,331 townhouse/condominium units, 908 apartments, 300 Assisted Living Community Units, 470,000 square feet of shopping center, 950 student elementary school, 1,750 student high school, 25,000 square feet of recreation center, and 371 acres of community parks (other than County parks) or different density for permitted uses, as approved by the Transportation Department, provided the different density results in an equal or fewer number of total trips in both the AM and PM peak hours as reflected in the Traffic Impact Study (the "Study") for Branner Station Development, Chesterfield County, Virginia, prepared by Wilbur Smith Associates dated March 7, 2006; with addenda 1 and 2 prepared by Wilbur Smith Associates dated June 20, 2006 and September 12, 2006 respectively; and Addenda 3 and 4 prepared by T3 Design dated November 28, 2006 and March 8, 2007, respectively, including revised Figure 4 dated June 20, 2007. (T)

7. Right of Way Dedications.

- A. In conjunction with recordation of the initial subdivision plat, prior to any site plan approval, or within sixty (60) days from the date of a written request by the Transportation Department, whichever occurs first, the following rights-of-way, as identified on the Thoroughfare Plan which was adopted by the Board of Supervisors, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. The exact location of these rights-of-way shall be approved by the Transportation Department:
  1. Forty-five (45) feet of right-of-way on the south side of Bradley Bridge Road, measured from a revised centerline, based on VDOT Urban Minor Arterial (50 MPH) standards with modifications approved by the Transportation Department, of that part of Bradley Bridge Road immediately adjacent to the Property.
  2. Forty-five (45) feet of right-of-way on the west side of Branders Bridge Road, measured from a revised centerline, based on VDOT Urban Minor Arterial (50 MPH) standards with modifications approved by the

Transportation Department, of that part of Branders Bridge Road immediately adjacent to the Property.

3. A ninety (90) foot wide right-of-way, based on VDOT Urban Minor Arterial (50 MPH) standards with modifications approved by the Transportation Department, for a north/south major arterial (the "North/South Parkway") from Branders Bridge Road at the northern Property line, through the Property to the East/West Freeway.
4. A ninety (90) foot wide right-of-way, based on VDOT Urban Minor Arterial (50 MPH) standards with modifications approved by the Transportation Department, for an east/west major arterial ("Happy Hill Road Extended") from the eastern Property line, through the Property to the western Property line.
5. A two hundred (200) foot wide right-of-way, based on VDOT Rural Principal Arterial (60 MPH) standards with modifications approved by the Transportation Department, for an east/west limited access facility (the "East/West Freeway") through the southern part of the Property from the western Property line to Branders Bridge Road.
6. A variable width right-of-way for a limited access interchange for the East/West Freeway with the North/South Parkway, totaling approximately sixty-two and eight tenths (62.8) acres as generally depicted in Exhibit C.
7. A backwater easement, not to exceed 11.5 acres, on the west side of Branders Bridge Road, generally located approximately 1,350 feet south of the Happy Hill Road Connection. The exact location and size of the easement shall be approved by the Transportation Department. (T)

8. Access

Vehicular access for the Property shall be as described below, and as generally shown on the Master Plan. Any modification to the accesses described below and the exact location and type of all accesses shall be approved by the Transportation Department.

- A. Prior to any tentative subdivision approval or site plan approval, whichever occurs first, an access plan for the North/South Parkway and Happy Hill Road Extended shall be submitted to and approved by the Transportation Department. Vehicular access from the Property to these roads shall conform to the approved access plan.
- B. Direct vehicular access from the Property to Bradley Bridge Road shall be limited to one (1) public road intersection. The exact location of this access shall be approved by the Transportation Department.
- C. Direct vehicular access from the Property to Branders Bridge Road shall be limited to six (6) public road intersections, excluding the North/South Parkway, the East/West Freeway and Happy Hill Road Connection. The exact location of these accesses shall be approved by the Transportation Department.

- D. Direct vehicular access from the Property to the East/West Freeway shall be limited to one (1) entrance/exit to serve Tract 10, excluding the intersections of the North/South Parkway and Branders Bridge Road. The exact location of this access shall be approved by the Transportation Department.
- E. No direct vehicular access shall be provided from the Property to Glebe Point Road or Skybird Road in the Glebe Point Subdivision. (T)

9. Public Roads.

In all tracts with residential uses, excluding Use Type E (Multifamily Community) if located within multi-story structures and Use Type G and Use Type H (Assisted Living Community provided units are not for sale) as described in the Textual Statement, all roads that accommodate general traffic circulation through the development, as determined by the Transportation Department, shall be designed and constructed to VDOT standards and taken into the State System. (T)

10. Transportation Improvements.

To provide an adequate roadway system, the Developer shall be responsible for the following. The exact design and length of these improvements shall be approved by the Transportation Department. Alternative road improvements, as requested by the Developer and approved by the Transportation Department and that provide acceptable levels of service as determined by the Transportation Department, may be substituted for the road improvements identified in this Proffered Condition:

- A. Construction of additional pavement along Bradley Bridge Road at the approved public road intersection to provide left and right turn lanes.
- B. Construction of additional pavement along Branders Bridge Road at each approved public road intersection including at the North/South Parkway and at the East/West Freeway to provide left and right turn lanes.
- C. Widening/improving the south side of Bradley Bridge Road for the entire Property frontage to an eleven (11) foot wide travel lane, measured from the existing centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, and overlaying the full width of the road with one and one half (1.5) inches of compacted bituminous asphalt concrete to the extent that such overlay does not exceed \$45,000 per mile, adjusted upward based on an increase in the Marshall and Swift Building Cost Index between July 1, 2006 and the fiscal year in which the improvement is made, with modifications approved by the Transportation Department.
- D. Widening/improving the west side of Branders Bridge Road for the entire Property frontage to an eleven (11) foot wide travel lane, measured from the existing centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, and overlaying the full width of the road with one and one half (1.5) inches of compacted bituminous asphalt concrete to

the extent that such overlay does not exceed \$45,000 per mile, adjusted upward based on an increase in the Marshall and Swift Building Cost Index between July 1, 2006 and the fiscal year in which the improvement is made, with modifications approved by the Transportation Department.

- E. Construction of a two-lane road for Happy Hill Road Extended based on VDOT Urban Minor Arterial (50 MPH) standards with modifications approved by the Transportation Department, from the eastern Property line, through the Property to the western Property line.
- F. Construction of a four-lane divided road for the North/South Parkway, based on VDOT Urban Minor Arterial (50 MPH) standards with modifications approved by the Transportation Department, from Branders Bridge Road at the northern Property line, through the Property to the East/West Freeway.
- G. Construction of a two-lane road for an east/west limited access facility based on VDOT Rural Principal Arterial (60 MPH) standards with modifications approved by the Transportation Department, for the East/West Freeway through the southern part of the Property from the North/South Parkway to Branders Bridge Road.
- H. Construction of additional pavement along the North/South Parkway, along Happy Hill Road Extended and along the East/West Freeway at each approved access to provide left and right turn lanes, based on Transportation Department standards.
- I. Full cost of traffic signalization, including turn lanes at locations specified in the Study along Bradley Bridge Road, along Branders Bridge Road, along the North/South Parkway, along Happy Hill Road Extended and along the East/West Freeway at each approved access, if warranted as determined by the Transportation Department and as indicated in the Study.
- J. Construction of a two-lane road for an east/west major arterial ("Happy Hill Road Connection"), based on VDOT Urban Minor Arterial (50 MPH) standards with modifications approved by the Transportation Department, including turn lanes and a traffic signal as required by the Transportation Department and as indicated in the Study, from the eastern Property line, to Branders Bridge Road at the Happy Hill Road intersection.
- K. Reconstruction as a two-lane road of Happy Hill Road, based on VDOT Urban Minor Arterial (50 MPH) standards with modifications approved by the Transportation Department, including turn lanes and traffic signal modification as required by the Transportation Department and as indicated in the Study, from the Old Happy Hill Road intersection to Harrowgate Road.
- L. Construction of a four-lane divided road for a north/south arterial ("North/South Parkway Extended"), based on VDOT Urban Minor Arterial (50 MPH) standards with modifications approved by the Transportation Department, including turn lanes and traffic signals as required by the Transportation Department and as indicated in the Study, from Branders Bridge Road at the North/South Parkway intersection to existing Iron Bridge Road (Route 10).

- M. Construction of a four-lane divided road for a north/south arterial (" North/South Parkway Extended"), based on VDOT Urban Minor Arterial (50 MPH) standards with modifications approved by the Transportation Department, including turn lanes and traffic signals as required by the Transportation Department and as indicated in the Study, from Route 10 at the North/South Parkway Extended intersection to existing Chester Road.
- N. Construction of an additional two (2) lanes along existing Chester Road to provide a four-lane divided road, based on VDOT Urban Minor Arterial (50 MPH) standards with modifications approved by the Transportation Department, and turn lanes as required by the Transportation Department and as indicated in the Study from its intersection with North/South Parkway Extended extending north to the existing four (4) lanes of Chester Road.
- O. Construction of a two-lane road for an east/west limited access facility (the "East/West Freeway Extended") based on VDOT Rural Principal Arterial (60 MPH) standards with modifications approved by the Transportation Department, including turn lanes and traffic signals or traffic signal modifications as required by the Transportation Department and as indicated in the Study, from Branders Bridge Road to Jefferson Davis Highway (Route 1/301) at the Ruffin Mill Road intersection.
- P. Construction of the intersection improvements, including adequate storage and receiving lanes as determined by the Transportation Department, as shown on Figure 4 in the Study Addenda 4 prepared by T3 Design dated June 20, 2007.
- Q. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. In the event the Developer is unable to acquire the "off-site" right-of-way that is necessary for the road improvements described in Proffered Conditions 10. A. through O. above, the Developer may request, in writing, that the county acquire such right-of-way as a public road improvement and the Transportation Department will present and support the request to the Board of Supervisors if the Transportation Department determines that the request is consistent with the Thoroughfare Plan. All reasonable costs associated with the acquisition of the right-of-way shall be borne by the Developer pursuant to a separate contract on the Utilities Department standard form currently titled "Contract for Payment of Easements and Right of Way Acquisition Costs" between the Developer and the County for the payment of right of way acquisition costs. In the event the county fails to assist the Developer in acquisition of the "off-site" right-of-way, the Developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way as determined by the Transportation Department, and the road improvements provided within available right-of-way shall be deemed to satisfy the requirement in the approved phasing plan as identified in Proffered Condition 11. (T)
- R. To the extent certain road improvements required herein are financed through a Community Development Authority or other funding mechanism approved by the

Board of Supervisors and are constructed within the time frames identified herein, the requirements contained herein for the specific road improvements that are the subject of the approved funding mechanism shall be deemed satisfied. (T)

- 10.S. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Property, the value of the road improvements provided hereunder in Proffered Condition 10 shall be in lieu of or credited toward, but not in addition to, any impact fees, in a manner as determined by the County. (B&M)

11. Residential Phasing Plan.

Prior to any construction plan approval or site plan approval, whichever occurs first, a phasing plan for the required road improvements as identified in Proffered Condition 10 A. through P., shall be submitted to and approved by the Transportation Department. Unless otherwise mutually agreed upon by the Transportation Department and the Developer, the approved phasing plan shall require, among other things, that:

A. Phase I on Exhibit A

Prior to release of the first building permit, two (2) lanes of the four (4) lane divided North/South Parkway Extended including turn lanes and traffic signals if warranted as determined by the Transportation Department as described in Proffered Condition 10. L., from Branders Bridge Road at the North/South Parkway intersection to existing Iron Bridge Road (Route 10), Happy Hill Road Connection as described in Proffered Condition 10. J., and the reconstruction of Happy Hill Road as described in Proffered Condition 10.K. shall be completed, as determined by the Transportation Department. In addition, the Board of Supervisors shall approve the specific location for the East/West Freeway Extended as described in Proffered Condition 10.O. from Branders Bridge Road to Route 1/301.

B. Phase II on Exhibit A

Prior to recordation or site plan approval for a cumulative of more than 600 residential units, two (2) lanes of the four (4) lanes of North/South Parkway Extended including turn lanes and traffic signals if warranted as determined by the Transportation Department as described in Proffered Condition 10. M. from Route 10 to existing Chester Road shall be completed as determined by the Transportation Department.

C. Phase III on Exhibit A

Prior to recordation or site plan approval for a cumulative of more than 1,800 residential units, two (2) lanes of the East/West Freeway Extended including turn lanes and traffic signals if warranted as determined by the Transportation Department as described in Proffered Condition 10.O. from Harrowgate Road to Route 1/301 shall be completed as determined by the Transportation Department.

D. Phase IV on Exhibit A

Prior to recordation or site plan approval for a cumulative of more than 2,500 residential units, two (2) lanes of the East/West Freeway Extended including turn lanes and traffic signals if warranted as determined by the Transportation Department and as indicated in the Study, as described in Proffered Condition 10.O. from Branders Bridge Road to Harrowgate Road, four-lane divided road for the North/South Parkway from Branders Bridge Road to the East/West Freeway as described in Proffered Condition 10.F., two-lane road for the East/West Freeway from the North/South Parkway to Branders Bridge Road as described in Proffered Condition 10.G., and two (2) additional lanes for existing Chester Road to provide a four-lane divided road as described in Proffered Condition 10.N. shall be completed as determined by the Transportation Department.

E. Phase V on Exhibit A

Prior to recordation or site plan approval for a cumulative of more than 3,250 residential units, two (2) additional lanes of North/South Parkway Extended which provides for a four-lane divided road, including turn lanes and traffic signals if warranted as determined by the Transportation Department as described in Proffered Condition 10. M. from Route 10 to existing Chester Road shall be completed as determined by the Transportation Department.

F. Phase VI on Exhibit A

Prior to recordation or site plan approval for a cumulative of more than 4,000 residential units, two (2) additional lanes of North/South Parkway Extended which provides for a four-lane divided road, including turn lanes and traffic signals if warranted as determined by the Transportation Department as described in Proffered Condition 10.L. from Branders Bridge Road to existing Iron Bridge Road (Route 10) shall be completed as determined by the Transportation Department.

G. In conjunction with any development that includes direct vehicular access to Bradley Bridge Road as described in Proffered Condition 8. B., the road improvements along Bradley Bridge Road, as identified in Proffered Condition 10. C. shall be completed as determined by the Transportation Department.

H. In conjunction with any development that includes direct vehicular access to Branders Bridge Road, other than the North/South Parkway, the Happy Hill Road Connection and the northernmost public road intersection as shown on the Master Plan as described in Proffered Condition 8. C., the road improvements along Branders Bridge Road, as identified in Proffered Condition 10. D. shall be completed as determined by the Transportation Department. (T)

12. Non-residential Phasing Plan.

Prior to any site plan approval, phasing plan for the required road improvements as identified in Proffered Condition 10 A. through P., shall be submitted to and approved by the Transportation Department. Unless otherwise mutually agreed upon by the



Transportation Department and the Developer, the approved phasing plan shall require, among other things, that:

- A. Prior to issuance of a building permit for any non-residential development, the required road improvements in Phase I of the Residential Phasing Plan as identified in Proffered Condition 11.A. shall be completed, as determined by the Transportation Department.
- B. Prior to: 1) issuance of building permit(s) for more than a cumulative total of 25,000 square feet of recreation center(s); or 2) issuance of a building permit(s) for more than 200 Assisted Living Community Units, the required road improvements in Phases I and II of the Residential Phasing Plan as described in Proffered Conditions 11.A. and B. shall be completed, as determined by the Transportation Department.
- C. Prior to issuance of a building permit for an elementary school, the required road improvements in Phases I through III of the Residential Phasing Plan as identified in Proffered Conditions 11.A. through C. shall be completed, as determined by the Transportation Department.
- D. Prior to issuance of a building permit for a high school, the required road improvements in Phases I through IV of the Residential Phasing Plan as identified in Proffered Conditions 11.A. through D. shall be completed, as determined by the Transportation Department.
- E. Prior to issuance of a building permit for more than a cumulative total of 70,000 square feet of office/retail the required road improvements required in Phases I through VI of the Residential Phasing Plan as described in Proffered Conditions 11.A. through F. above shall be completed as determined by the Transportation Department. (T)

13. Phasing Revisions.

The estimated cost of the "off-site" road improvements for each phase of development as detailed in Proffered Conditions 11 and 12, is identified on Exhibit B. The phasing required for these off-site road improvements as described in Proffered Conditions 11. and 12. may be revised by the Transportation Department if actual traffic impacts differ significantly from the assumptions in the Study, as determined by the Transportation Department. However, in no case shall the cost of the revised off-site road improvements for each phase of the development exceed the estimated costs of the phased road improvements as indicated on Exhibit B. (T)

14. Contribution.

The Developer shall pay (the "Payment") to Chesterfield County schools 25% of the cost difference between \$15,600 times 4,988 dwelling lots/units (the "Contribution") and the actual cost incurred by the Developer for the cost of the improvements described in Proffered Conditions 10.J., K., L., M., N., O., and P. (the "Improvements"), provided the actual cost of the Improvements is less than the Contribution. If the Payment is paid after

June 30, 2007, the amount paid shall be adjusted upward by any Board of Supervisors' approved increase in the Marshall and Swift Building Cost Index between July 1, 2006 and July 1 of the fiscal year in which the Payment is made.

The Payment shall be made within 60 days after the completion of the Improvements and submission by the Developer of all supporting documentation for the cost of the Improvements to the Chesterfield County Department of Budget & Management. For purposes of this proffer, the cost to construct the Improvements shall include, but not be limited to, the reasonable cost of right-of-way acquisition, engineering, relocating utilities, signalization and other traffic control devices and actual costs of construction of roads, and turn lanes (including labor, materials, interest on borrowed funds and overhead). (B&M, T and SA)

15. Master Road Plan.

The Master Plan shall be considered the Master Road Plan. Approval of the Plan by the County does not imply that the County gives final approval for any particular road alignment or section. (T)

16. Environmental Engineering Study.

A. Western Drainage Area

The Developer will perform an off-site drainage study for that property that drains to the west through Glebe Point and will analyze the pipes under any state roads and any floodplains that have been recorded in the sections of Glebe Point. If any of the floodplains that are currently recorded or the pipes under any state road exceed current VDOT standards for secondary roads then the developer will retain water on-site and release such that the 100 year floodplains in Glebe Point are not affected and that the existing pipes meet current VDOT criteria.

B. Eastern Drainage Area

For all those portions of Branner Station that drain to the east under Branders Bridge Road, the developer will perform a drainage study through the existing subdivisions for all outfalls and based on the studies the Developer will retain and release water on-site or increase the pipes under Branders Bridge Road to meet current VDOT criteria without increasing any of the recorded floodplains in the subdivisions east of Branders Bridge Road. (EE)

17. Silt Basins.

All silt basins in the southern one-third and western one-third portions of the Property shall be sized with a twenty-five percent (25%) increased volume per acre for disturbed areas, with undisturbed areas sized to the required volume per acre based on the requirements of the current Virginia Erosion and Sediment Control Handbook. (EE)

Mr. Gulley stated he felt there were beneficial aspects to the request but compared voting on the proposal to the 1991 vote on the large rezoning of Magnolia Green; stated his preference was to delay the rezoning

until next year, at which time the new leadership, assuming office in January 2008, could decide the case; and that he did not support the request.

Mr. Bass stated he felt the case was a good one and would probably be an asset to the County; however, he felt the case should be decided by the incoming Board. He stated he did not support the request

Mr. Gecker stated he did not concur with Messrs. Gulley and Bass; that he felt the request was a good one and he supported a recommendation for approval; and that he believed the Commission should take the planning, not the political, position.

The vote on Mr. Wilson's motion was as follows:

AYES: Messrs. Gecker, Wilson and Litton.

NAYS: Messrs. Gulley and Bass.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to recommend approval of the wavier to the "Residential Subdivision Connectivity Policy" requirements to Glebe Point and Skybird Roads.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

The Commission recessed at 9:48 p. m. and reconvened at 9:57 p. m.

**07SN0298:** In Dale Magisterial District, **KEVIN L. FLOYD PE, LS** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-15). Residential use of up to 2.90 units per acre is permitted in a Residential (R-15) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies on 51.2 acres fronting approximately 690 feet on the north line of Beach Road approximately 630 feet west of Gates Bluff Drive. Tax IDs 763-661-Part of 7607 and 764-662-Part of 3891 and 7481.

Ms. Orr presented an overview of the request and staff's recommendation for approval of the rezoning and denial of the waiver to street connectivity requirements to Heathside Drive.

Mr. Jim Theobald, the applicant's representative, accepted the recommendation for approval of the rezoning but did not accept the recommendation for denial of the waiver to street connectivity requirements, noting the applicant had provided full cash proffers; area residents opposed the connectivity to Heathside Drive; and the only remaining issue to be resolved was the provision of left turn lanes to Beach Road which he felt could be addressed at the time of subdivision review.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Litton concurred that the issue of left turn lanes to Beach Road could best be addressed at the time of subdivision review.

Mr. McCracken indicated he preferred to obtain a commitment for left turn lanes to Beach Road at the time of zoning; however, based on Mr. Theobald's comments, he felt he would address the issue at the time of subdivision review.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 07SN0298 and acceptance of the following proffered conditions:

## PROFFERED CONDITIONS

The Developer (the "Developer") in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for himself and his successors or assigns, proffers that the development of the property known as Chesterfield County Tax Identification Numbers 764-662-3891, 763-661-7607 and 764-662-7481 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for R-15 is granted. In the event the request is denied or approved with conditions not agreed to by the Developer, the proffers and conditions shall be immediately be null and void and no further force or effect.

1. Cash Proffer. For each dwelling unit developed, the applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of a building permit for each dwelling for infrastructure improvements within the service district for the Property:
  - a. \$15,600 per dwelling unit if paid prior to July 1, 2007; or
  - b. The amount approved by the board of Supervisors not to exceed \$15,600 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006 and July 1 of the fiscal year in which the payment is made after June 30, 2007.
  - c. Cash proffer payments shall be spent for purposes proffered or as otherwise permitted by law.
  - d. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees, in a manner as determined by the County. (B&M)
2. Dwelling Size. One- (1) story dwelling units shall have a minimum gross floor area of 2000 square feet, and dwellings with more than one (1) story shall have a minimum gross floor area of 2500 square feet. (P)
3. Density. No more than thirty-eight (38) dwelling units shall be developed on the Property. (P)
4. Minimum Lot Size. Lots shall be a minimum of 30,000 square feet in size. A minimum of 22,500 square feet of each lot shall be exclusive of flood plains, resource protection areas, easements in excess of fifty (50) feet in width and buffers. Such required lot area shall be contiguous to and inclusive of the building envelope and located adjacent to the required street frontage. Buffers shall not be included in lots. (P)
5. No Access. No lots shall have vehicular access through Gates Bluff Subdivision. (P)
6. Transportation.
  - a. Prior to any site plan approval, in conjunction with recordation of the initial subdivision plat, or within sixty (60) days from a written request by the Transportation Department, whichever occurs first, forty-five (45) feet of right-of-way along the northern side of Beach Road, measured from the centerline of that

part of Beach Road immediately adjacent to the Property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County.

- b. The developer shall provide the following improvements with initial development of the Property:
    - i. Construction of additional pavement along Beach Road at the approved public road intersection to provide a right turn lane;
    - ii. widening/improving the north side of Beach Road to an eleven (11) foot wide travel lane, measured from the centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder and overlaying the full width of the road with one and one half (1.5) inches of compacted bituminous asphalt concrete, with modifications approved by the Transportation Department, for the entire Property frontage; and
    - iii. dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire the "off-site" right-of-way that is necessary for the road improvements described in this Proffered Condition, the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way as determined by the Transportation Department.
  - c. Direct vehicular access from the Property to Beach Road shall be limited to one (1) public road located at the western property line. (T)
7. Timbering. With the exception of timbering which has been approved by the Virginia State Department of Forestry for the removal of dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
8. Notification of Site Plan. The developer shall be responsible for notifying, in writing, of the submission of a conceptual subdivision plan to the last known President on file with the County Planning Department of the Gates Bluff Homeowners' Association, no later than twenty-one (21) days prior to approval or disapproval of the plan. The developer shall provide a copy of the notification letter to the Planning Department. (P)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission resolved to recommend approval of the wavier to the "Residential Subdivision Connectivity Policy" requirements to Heathside Drive for Case 07SN0298.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**07SN0307:** (Amended) In Matoaca Magisterial District, **BATTLEGROUND RESTAURANTS, INC. AND MICHAEL MCCAFFERY** requested rezoning and amendment of zoning district map from Agricultural (A), Neighborhood Business (C-2) and Corporate Office (O-2) to Corporate Office (O-2) and Community Business (C-3) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies on 7.9 acres fronting approximately 490 feet on the south line of Hull Street Road approximately 470 feet west of Mockingbird Lane. Tax IDs 729-673-5883 and 8052 and 729-674-8507.

Ms. Peterson presented an overview of the request and staff's recommendation for approval, subject to the applicant addressing architectural compatibility within a project and that Proffered Condition 7 relative to architectural treatment not be accepted.

Mr. Andy Scherzer, the applicant's representative, distributed photographs of the architectural style with which the development would be compatible and requested the Commission forward a favorable recommendation to the Board of Supervisors.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 07SN0307, subject to the following condition and acceptance of the following proffered conditions:

#### PROFFERED CONDITIONS

1. Utilities.
  - a. Public water and wastewater systems shall be used.
  - b. The on-site water distribution system shall be designed to include a connection between the existing eight (8) inch water line adjacent to the eastern property line and the existing twelve (12) inch water line adjacent to the western property line. (U)
2. Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
3. Drainage. The drainage flowing towards Deer Run and Harbor Green Subdivisions shall be retained on-site, with the release rate based on the capacity of the existing storm sewer and overflow swale to contain the 100 year flood within the existing sixteen (16) foot easement. This capacity shall not be exceeded. (EE)

4. Uses. Uses within the Community Business (C-3) District shall be limited to those uses permitted by right or with restrictions in the Neighborhood Business (C-2) Districts, except as noted below, plus the following Community Business (C-3) uses:
- i. Carpenter and cabinetmakers' offices and display rooms
  - ii. Contractors' offices and display rooms
  - iii. Electrical, plumbing, or heating supply sales, service and related display rooms
  - iv. Schools – commercial, trade, vocational, and training, limited to 3,000 gross square feet in area
  - v. Secondhand and consignment stores, excluding motor vehicle consignment lots
  - vi. Fast food restaurants, provided that each use 1) shall not exceed 2,500 gross square feet in area, 2) shall not be free standing, and 3) shall be located within 250 feet of Hull Street Road.
  - vii. Continuous outside display of merchandise for sale, as accessory to a permitted use.
  - viii. The following Neighborhood Business (C-2) uses shall be prohibited:
    - 1.) Gasoline sales
    - 2.) Funeral homes
    - 3.) Automobile self-service stations
    - 4.) Greenhouses or nurseries
    - 5.) Communications towers
    - 6.) Hospitals
    - 7.) Temporary outdoor Christmas tree sales
5. Irrigation. An underground automatic irrigation system shall be provided for the landscaping along U.S. Route 360. (P)
6. Freestanding Lights. Freestanding light fixtures shall be limited to twenty (20) feet within the Corporate Office (O-2) District and to twenty-five (25) feet within the Community Business (C-3) District. (P)
7. Architectural Standards. Architectural treatment of the buildings shall be compatible with Exhibit A. Compatibility may be achieved through use of similar building massing, materials, scale, colors or other architectural features. (P)
8. Access. Direct vehicular access from the property to Hull Street Road (Route 360) shall be limited to existing Harbourside Center Loop located at the eastern property line. (T)
9. Right of Way Dedication. Prior to any site plan approval, or within sixty (60) days from the date of a written request by the Transportation Department, whichever occurs first, one hundred (100) feet of right of way on the south side of Route 360, measured from the centerline of that part of Route 360 immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
10. Road Improvements. Prior to issuance of an occupancy permit, the following road improvement shall be provided:
- a. Construction of additional pavement along Route 360 at Harbourside Center Loop to provide a right turn lane.

- b. Dedication to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire any "off-site" right-of-way that is necessary for the improvements described in Proffered Condition 12, the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way, as determined by the Transportation Department. (T)
- 11. Hours of Operation. Within the Community Business (C-3) District, hours of operation shall be restricted to between 6:00 am and 12:00 midnight, with the exception of one (1) restaurant, other than carry-out or fast food, which shall be restricted to between 6:00 am and 1:00 am. Within the Corporate Office (O-2) District, hours of operation shall be restricted to between 6:00 am and 9:00 pm. (P)
- 12. A six (6) foot high board on board privacy fence shall be provided within the buffer adjacent to Deer Run and Harbor Green Subdivisions. The exact design and location shall be determined at Site Plan Review. (P)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**07SN0353:** In Bermuda Magisterial District, **DORAN DEVELOPMENT CO., L.L.C., RICHARD J. NOVEMBER, MANAGER AND H. R. POLLARD, IV, MANAGER** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51-4.0 units per acre. This request lies on 30.7 acres fronting approximately 160 feet on the east line of Happy Hill Road across from Fielding Road. Tax ID 799-642-4348.

Ms. Peterson presented an overview of the request and staff's recommendation for approval of the rezoning and denial of the request for relief from street access requirements to allow fifty-three (53) lots off one access.

Mr. Gary Lee Scotto, the applicant's representative, accepted the recommendation for approval of the rezoning but did not accept the recommendation for denial of the request for relief from street access requirements to allow fifty-three (53) lots off one access, noting the proposed zoning and land uses conformed to the area *Plan* and the proffered conditions adequately addressed the impacts of the development on necessary capital facilities.

No one came forward to speak in favor of, or in opposition to, the request.

In response to questions from the Commission, staff addressed issues/answered questions relative to the provision of a stub road to the north; relief to access requirements to allow fifty-three (53) lots of one access; the need to provide a emergency vehicles a second access to homes should other entrances become blocked; and other issues of concern.



On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 07SN0353 and acceptance of the following proffered conditions:

### PROFFERED CONDITIONS

The property owners and applicant in this rezoning case, pursuant to 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the property under consideration will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the owners and applicant. In the event this request is denied or approved with conditions not agreed to by the owners and applicant, the proffers shall be immediately be null and void and of no further force or effect.

1. Cash Proffers. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield, prior to the issuance of a building permit, for infrastructure improvements within the service district for the property:
  - a. \$15,600 per dwelling unit, if paid prior to July 1, 2007; or
  - b. The amount approved by the Board of Supervisors not to exceed \$15,600 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2007.

Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees, in a manner as determined by the County. (B&M)

2. Utilities. The public water and wastewater systems shall be utilized. (U)
3. Timbering. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
4. Density. Development shall be limited to a maximum of fifty-three (53) lots. (P)
5. Materials. The exterior facades of all homes shall be of brick, stone or vinyl siding or a combination of the foregoing. All foundations to be brick or stone veneer. (P)
6. One-story dwelling units shall have a minimum floor area of 1,800 square feet. Dwelling units with more than one story shall have a minimum floor area of 2,000 square feet. (P)
7. In conjunction with the recordation of the initial subdivision plat or within ninety (90) days of a written request by the County, whichever occurs first, forty-five (45) feet of right-of-way on the east side of Happy Hill Road, measured from the centerline of that part of Happy

Hill Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)

8. Direct vehicular access from the property to Happy Hill Road shall be limited to one (1) public road that aligns with Fielding Road. The exact location of this public road shall be approved by the Transportation Department. (T)
9. In conjunction with development of the initial section, the developer shall be responsible for construction of additional pavement along Happy Hill Road at the public road intersection to provide left and right turn lanes, as generally shown on "Exhibit 'A' Preliminary Turn Lane Configuration" prepared by E.D. Lewis and Associates dated July 20, 2007, and dedication, free and unrestricted, to and for the benefit of Chesterfield County, of any additional right-of-way (or easements) required for these improvements. In the event the developer is unable to acquire any "off site" right-of-way that is necessary for these improvements, the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way as determined by the Transportation Department. (T)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

**VIII. CITIZEN COMMENT ON UNSCHEDULED MATTERS INVOLVING THE SERVICES, POLICIES AND AFFAIRS OF THE COUNTY GOVERNMENT REGARDING PLANNING OR LAND USE.**

There were no citizen comments on unscheduled matters involving the services, policies and affairs of the County government regarding planning or land use.

**IX. ADJOURNMENT.**

There being no further business to come before the Commission, it was on motion of Mr. Wilson, seconded by Mr. Gulley, that the meeting adjourned at 10:30 p. m. to September 18, 2007, at 12:00 Noon in the Multipurpose Meeting Room of the Chesterfield County Community Development Building, 9800 Government Center Parkway, Chesterfield, VA.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

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Chairman/Date

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Secretary/Date